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Air Pollution Regulations in State Implementation Plans California, Fresno County

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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Air Pollution Regulations in State Implementation Plans:

California

Fresno County

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California

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by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-054-7

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

FRESNO COUNTY, CALIF.

Submittal Date	Approval Date	Description
6/30/72	9/22/72	All Regulation Chgs. Approved Unless Noted Otherwise
10/23/74	8/22/77	Rules 102, 103, 108 108.1, 111-114, 401, 404-406, 408, 409.1, 409.2, 416, 416.1 a, b, c (2), c(3), d, e(2), f, 505, 518. (Note: Rule 402 (a-e) Submitted on 6/30/72 Is In Effect
1/10/75	8/22/77	Rules 409, 417, 503, 507, 513, 515
2/10/76	8/22/77	Rules 115, 422, and 423, 407 (Note: 407 Disapproved; 6/30/72 Submittal in Effect.) (Note: 407 Disapproved; 407.1 of 6/30/72 Submittal in effect.)
4/21/76	7/26/77	Rules 411 and 411.1

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- 2.0 GENERAL PROVISIONS AND ADMINISTRATIVE PROCEDURES
- 3.0 REGISTRATION CERTIFICATES, OPERATING PERMITS AND APPLICATIONS
- 4.0 AIR QUALITY STANDARDS (PRIMARY AND SECONDARY)
  - 4.1 PARTICULATES
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  - 4.3 NITRIC OXIDES
  - 4.4 HYDROCARBONS
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- 5.0 VARIANCES
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REGULATION I - GENERAL PROVISIONS

(2.0) RULE 101 Title

These rules and regulations shall be known as the Rules and Regulations of the Fresno County Air Pollution Control District.

(1.0) RULE 102 Definitions

Except as otherwise specifically provided in these rules and, except where the context otherwise indicates, words used in these rules are used in exactly the same sense as the same words are used in Chapter 2, Division 20, of the Health and Safety Code.

a. Air Contaminant includes smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.

b. Alteration is any addition to, enlargement of, replacement of, or any major modification or change of the design, capacity, process, or arrangement, or any increase in the connected loading of, equipment or control apparatus, which will significantly increase or effect the kind or amount of air contaminants emitted.

c. Atmosphere means the air that envelops or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered an emission into the atmosphere.

d. Board means the Air Pollution Control Board of the Air Pollution Control District of Fresno County.

e. Combustible Refuse is any solid or liquid combustible waste material containing carbon in a free or combined state.

f. Combustion Contaminants are particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

g. Fumes are minute solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state or generated by sublimation, distillation, calcination, or chemical reaction when these processes create airborne particles.

h. Control Officer means the Air Pollution Control Officer of the Air Pollution Control District of Fresno County.

i. District is the Air Pollution Control District of Fresno County.

j. Dusts are minute solid particles released into the air by natural force or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, or other similar processes.

k. Emission is the act of passing into the atmosphere of an air contaminant or gas stream which contains an air contaminant, or the air contaminant so passed into the atmosphere.

l. Emission Point is the place at which an emission enters the atmosphere.

m. Flue means any duct or passage for air, gases, or the like, such as a stack or chimney.

n. Hearing Board means the Hearing Board of the Air Pollution Control District of Fresno County.

o. Installation means the placement, assemblage, or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, and includes all preparatory work at such premises.

p. Institutional Facility means any hospital, boarding home, school, corporation yard, or like facility.

q. Multiple-Chamber Incinerator is any article, machine, equipment, contrivance, structure or any part of a structure used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnances in series, physically separated by refractory walls, interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned. The refractories shall have a pyrometric cone equivalent of at least 17, tested according to the method described in the American Society for Testing Materials, Method C-24.

r. Open Outdoor Fire as used in this regulation means combustion of any combustible refuse or other material of any type outdoors in the open air not in any enclosure where the products of combustion are not directed through a flue.

s. Operation means any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or the chemical or physical properties of a material.

t. Owner includes but is not limited to any person who leases, supervises, or operates equipment, in addition to the normal meaning of ownership.

u. Particulate Matter is any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

v. Person means any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local governmental agency or public district or any officer or employee thereof.

w. PPM (parts per million) by volume expressed on a gas basis.

x. Process Weight Per Hour is the total weight of all materials introduced into any specific source operation, which operation may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "Process Weight Per Hour" will be derived by dividing the total process weight by the number of hours in one cycle of operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

y. Regulation means one of the major subdivisions of the rules of the Air Pollution Control District of Fresno County.

z. Residential Rubbish means refuse originating from residential uses and includes wood, paper, cloth, cardboard, tree trimmings, leaves, lawn clippings, and dry plants.

aa. Rule means a rule of the Air Pollution Control District of Fresno County.

bb. Section means section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.

cc. Source Operation means the last operation preceding the emission of an air contaminant, which operation (a) results in the separation of the air contaminant from the process materials or in the conversion of the process materials into air contaminants as in the case of combustion of fuels; and (b) is not an air pollution abatement operation.

dd. Standard Conditions as used in these regulations are a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated or reported at this gas temperature and pressure.

(14.0) RULE 103 Confidential Information

All information, analyses, plans, or specifications that disclose the nature, extent, quantity, or degree of air contaminants or other pollution which any article, machine, equipment, or other contrivance will produce, which any air pollution control district or any other state or local agency or district requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents, or uses such article, machine, equipment, or other contrivance are public records.

All air and other pollution monitoring data, including data compiled from stationary sources, are public records.

Trade secrets are not public records under this rule. Trade secrets may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

All air pollution emission data, including those emission data which constitute trade secrets, as defined in the above paragraph, are public records. Data used to calculate emission data are not emission data for the purpose of this subdivision, and data which constitute trade secrets and which are used to calculate emission data are not public records.

Any person furnishing any records may label as "trade secret" any part of those records which are entitled to confidentiality. Written justification for the "trade secret" designation shall be furnished with the records so designated and the designation shall be a public record. The justification shall be as detailed as possible without disclosing the trade secret; the person may submit additional information to support the justification, which information, upon request, will be kept confidential in the same manner as the record sought to be protected.

(15.0) RULE 104 Enforcement

These rules and regulations shall be enforced by the Air Pollution Control Officer under authority of Section 24224 (b), Article 2, and Section 24260, 24262, Article 4; and all officers empowered by Section 24221, Article 2.

(16.0) RULE 105 Order of Abatement

The Air Pollution Control Board may, after notice and a hearing, issue or provide for the issuance by the Hearing Board, after notice and a hearing, an order for abatement whenever the district finds that any person is in violation of Section 24242 or 24243 or any rule or regulation prohibiting or limiting the discharge of air contaminants into the air. The Air Pollution Control Board in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred upon the Hearing Board by Division 20, Chapter 2, of the Health and Safety Code of the State of California. The Hearing Board in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred upon it by Division 20, Chapter 2, of the Health and Safety Code of the State of California. Any person who intentionally or negligently violates any order of abatement issued by any type of air pollution control district pursuant to Section 24260.5 or by the State Air Resources Board, shall be liable for a civil penalty not to exceed six thousand dollars ($6,000) for each day in which such violation occurs.

(2.0) RULE 106 Land Use

As part of his responsibility to protect the public health and property from the damaging effects of air pollution, it shall be the duty of the Air Pollution Control Officer to review and advise the appropriate planning authorities within the district on all new construction or changes in land use which the Air Pollution Control Officer believes could become a source of air pollution problems.

(16.0) RULE 107 Inspections

Inspections shall be made by the enforcement agency for the purpose of obtaining information necessary to determine whether air pollution sources are in compliance with applicable rules and regulations, including authority to require recordkeeping and to make inspections and conduct tests of air pollution sources.

(9.0) RULE 108 Source Monitoring

Upon the request of the Control Officer and as directed by him, the owner shall provide, install, and operate continuous monitoring equipment on such operations as directed. The equipment shall be capable of monitoring emission levels within 20 percent with confidence levels of 95 percent. The owner shall maintain, calibrate, and repair the equipment and shall keep the equipment operating at design capabilities.

Records from the monitoring equipment shall be kept by the owner for a period of two years, during which time they shall be available to the Control Officer in such form as he directs.

In the event of a breakdown of monitoring equipment, the owner shall notify the Control Officer immediately and shall initiate repairs. The owner shall inform the Control Officer of the intent to shut down any monitoring equipment at least 24 hours prior to the event.

In the event a person finds that a request by the Control Officer to install and maintain monitoring facilities for equipment is unreasonable, he may appeal the request before the Air Pollution Board.

(9.0) RULE 108.1 Source Sampling

Upon the request of the Control Officer and as directed by him, the owner of any source operation which emits or may emit air contaminants, for which emission limits have been established shall provide the following facilities, constructed in accordance with the general industry safety orders of the State of California:

a. Sampling ports

b. Sampling platforms

c. Access to sampling platforms

d. Utilities for sampling equipment

The owner of such a source operation, when requested by the Control Officer, shall provide records sor other information which will enable the Control Officer to determine when a representative sample can be taken.

In addition, upon the request of the Control Officer and as directed by him, the owner of such a source operation shall collect, have collected, or allow the Control Officer to collect a source sample.

All source samples collected to determine the compliance status of an emission source shall be collected in a manner specified or approved by the Control Officer.

(16.0) RULE 109 Penalty

Every person who violates any provision of these rules is guilty of a misdemeanor. Every day during any portion of which such violation occurs constitutes a separate offense.

(7.0) RULE 110 Equipment Shutdown, Startup, and Breakdown

Emissions exceeding any of the limits established by Regulation IV as a direct result of unavoidable upset conditions, unforeseeable breakdown, or planned startup and shutdown of any source operation, air pollution control equipment, or related equipment shall not be a violation provided that the following requirements are met:

a. In the event of breakdown or upset, the person responsible for such equipment shall promptly report such condition to the Air Pollution Control Officer. In the event of planned shutdown or startup, the person responsible for such equipment shall report to the Air Pollution Control Officer at least 24 hours prior to the shutdown or startup. The report shall include, but is not limited to the following:

   1. Identification of the specific facility, its location and permit number.

   2. The expected length of time the air pollution control equipment will be out of service.

   3. The nature and quantity of emissions of air contaminants to occur during this period.

   4. Measures, such as using off-shift labor and equipment to be taken to minimize the emissions.

   5. The reasons why, if any, it would be impossible, or impractical, to shut down the source operation during the maintenance period.

   6. Steps to be taken to minimize the probability of the condition recurring.

b. The Air Pollution Control Officer upon investigation concurs that the emission was unavoidable or unforeseeable. A determination that the emission was unavoidable or unforeseeable by the Air Pollution Control Officer on one occasion shall not be binding upon successive periods when the Air Pollution Control Officer determines that immediate remedial efforts have not been instituted and corrective action has not been concluded within a reasonable time under the circumstances.

(15.0) RULE 111 Arrests and Notices to Appear

Pursuant to the provisions of the Penal Code Section 836.5, the officers and employees of the Fresno County Air Pollution Control District are authorized to arrest without a warrant and issue written notices to appear whenever they have reasonable cause to believe that the person to be arrested has committed a misdemeanor in their presence which is a violation of a rule or regulation of the Fresno County Air Pollution Control District or a violation of a section of Chapter 2 of Division 20 or Chapter 3.5 of Part 1 of Division 26 of the Health and Safety Code of the State of California relating to the emission or control of air contaminants:

Air Pollution Control Officer
Deputy Director of Health, Environmental Health Services
Assistant Director of Environmental Health Services
Air Pollution Control Engineer and Environmental Health Technician
Employees of the Fresno County Health Department who are in the Sanitarian and Environmental Health Classification

(2.0) RULE 112 Circumvention

A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of Division 20, Chapter 2, of the Health and Safety Code of the State of California or of these rules and regulations. This rule shall not apply to cases in which the only violation involved is of Section 24243 of the Health and Safety Code of the State of California or of Rule 418 of these rules and regulations. Violation of Rule 112 is a misdemeanor pursuant to the provisions of Section 24281 of the Health and Safety Code of the State of California.

(50.0) RULE 113 Separation and Combination

a. If air contaminants from a single source operation are emitted through two or more emission points, the total emitted quantity of any air contaminant, limited in these regulations, cannot exceed the quantity which would be the allowable emission through a single emission point; and the total emitted quantity of any such air contaminant shall be taken as the product of the highest concentration measured in any of the emission points and the exhaust gas volume through all emission points, unless the person responsible for the source operation establishes the correct total emitted quantity.

b. If air contaminants from two or more source operations are combined prior to emission and there are adequate and reliable means reasonably susceptible to confirmation and use by the Control Officer for establishing a separation of the components of the combined emission to indicate the nature, extent, quantity and degree of emission arising from each such source operation, these regulations shall apply to each such source operation separately.

c. If air contaminants from two or more source operations are combined prior to emission, and the combined emission cannot be separated according to the requirements of Rule 113(b), these regulations shall be applied to the combined emission as if it originated in a single source operation subject to the most stringent limitations and requirements placed by these regulations on any of the source operations whose air contaminants are so combined.

(2.0) RULE 114 Severability

If any provision, clause, sentence, paragraph, section or part of these regulations or appliction thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect or invalidate the remainder of this regulation and the application of such provision to other persons or circumstances but shall be confined in its operation to the provision, clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstance involved, and it is hereby declared to be the intent of the Fresno County Air Pollution Control Board that these regulations would have been adopted in any case had such invalid provision or provisions not been included.

(50.0) RULE 115 Applicability of Emission Limits

Whenever more than one rule of these Rules and Regulations applies to any article, machine, or equipment or other contrivance, the rule or combination of rules resulting in the smallest rate or smallest concentration of air contaminants released to the atmosphere shall apply unless otherwise specifically exempted or designated.

REGULATION II - PERMITS

(3.0) RULE 201 Permits Required

a. Authority to Construct Any person building, altering or replacing any equipment, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain authorization for such construction from the Air Pollution Control Officer. An authority to construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied, or the application is cancelled.

b. Permit to Operate Before any equipment described in Rule 201(a) may be operated, a written permit shall be obtained from the Air Pollution Control Officer. No permit to operate shall be granted either by the Air Pollution Control Officer or the Hearing Board for any equipment described in Rule 201(a), constructed or installed without authorization as required by Rule 201(a), until the information required is presented to the Air Pollution Control Officer and such equipment is altered, if necessary, and made to conform to the standards set forth in Rule 208 (Standards for Granting Application) and elsewhere in these rules and regulations.

c. Posting of Permit to Operate A person who has been granted under Rule 201(b) a permit to operate any equipment described in Rule 201(b), shall firmly affix such permit to operate, an approved facsimile, or other approved identification bearing the permit number upon the article, machine, equipment, or other contrivance in such a manner as to be clearly visible and accessible. In the event that the equipment is so constructed or operated that the permit to operate cannot be so placed, the permit to operate shall be mounted so as to be clearly visible in an accessible place within 25 feet of the equipment or maintained readily available at all times on the operating premises.

d. Altering of Permit A person shall not willfully deface, alter, forge, counterfeit, or falsify a permit to operate any equipment.

(3.0) RULE 202 Exemptions

Any authority to construct or a permit to operate shall not be required for:

a. Vehicles as defined by the Vehicle Code of the State of California but not including any article, machine, equipment, or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these rules and regulations.

b. Vehicles used to transport passengers or freight.

c. Equipment utilized exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than four families.

d. The following equipment:

1. Comfort air conditioning or comfort ventilating systems, which are not designed to remove air contaminants generated by or released from specific units or equipment.
2. Refrigeration units except those used as, or in conjunction with, air pollution control equipment.
3. Piston type internal combustion engines.
4. Water cooling towers and water cooling ponds not used for evaporative cooling of water from barometric jets or from barometric condensers.
5. Equipment used exclusively for steam cleaning.
6. Presses used exclusively for extruding metals, minerals, plastics, or wood.
7. Equipment used exclusively for space heating, other than boilers.
8. Equipment used for hydraulic or hydrostatic testing.
9. Equipment used in eating establishments for the purpose of preparing food for human consumption.
10. Equipment used exclusively to compress or hold dry natural gas.

11. Crucible-type or pot-type furnaces with a brimful capacity of less than 450 cubic inches of any molten metal.

12. Batch mixers of five cubic feet rated working capacity or less.

13. Smokehouses in which the maximum horizontal inside cross-sectional area does not exceed 20 square feet.

14. Air Resources Board approved orchard heaters.

e. The following equipment or any exhaust system or collector serving exclusively such equipment:

1. Laboratory equipment used exclusively for chemical or physical analyses and bench scale laboratory equipment.

2. Brazing, soldering, or welding equipment.

3. Ovens, mixers, and blenders used in bakeries where the products are edible and intended for human consumption.

4. Equipment used exclusively for forging, pressing, rolling, or drawing of metals or for heating metals immediately prior to forging, pressing, rolling or drawing.

5. Equipment using aqueous solutions for surface preparation, cleaning, stripping, etching (does not include chemical milling), or the electrolytic plating with electrolytic polishing, or the electrolytic stripping of bronze, brass, cadmium, copper, iron, lead, nickel, tin, zinc, and precious metals.

6. Equipment used for washing or drying products fabricated from metal, cloth, fabric, or glass, provided that no organic materials are used in the process and that no oil or solid fuel is burned.

7. Equipment used for compression molding and injection molding of plastics.

8. Vacuum producing devices used in laboratory operations or in connection with other equipment which is exempt by Rule 201.

9. Equipment used for noncommerical buffing (except automatic or semi-automatic tire buffers) or polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding or turning of ceramic artwork, ceramic precision parts, leather, metals, plastics, rubber, fiberboard, masonry, asbestos, carbon or graphite.

10. Equipment used for noncommercial carving, cutting, drilling, surface grinding, planing, routing, sanding, sawing, shredding or turning of wood, or the pressing or storing of sawdust, wood chips or wood shavings.

11. Laundry driers, extractors, or tumblers used for fabrics cleaned only with water solutions of bleach or detergents.

f. Steam generators, steam superheaters, water boilers, water heaters, and closed heat transfer systems of 15,000,000 BTU per hour capacity or less that are fired exclusively with natural gas or liquified petroleum gas or any combination thereof.

g. Natural draft hoods, natural draft stacks, or natural draft ventilators where no organic solvents, diluents, or thinners are used.

h. Containers, reservoirs, or tanks used exclusively for:

1. Dipping operations for coating objects with oils, waxes, or greases where no organic solvents, diluents, or thinners are used.

2. Dipping operations for applying coatings of natural or synthetic resins which contain no organic solvents.

3. Storage of liquified gases.

4. Unheated storage of organic materials with an initial boiling point of 300° Fahrenheit or greater.

5. The storage of fuel oils and lubricating oils.

6. Unheated solvent dispensing containers, unheated nonconveyorized solvent rinsing containers or unheated nonconveyorized coating dip tanks of 100 gallons capacity or less.

7. Transporting materials on streets or highways.

8. Storage of gasoline in underground tanks having a capacity of 5,000 gallons or less.

i. Self-propelled mobile construction equipment other than pavement burners.

j. Agricultural implements used in agricultural operations.

k. Vacuum cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes.

l. Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.

m. Identical replacements in whole or in part of any equipment where a permit to operate has previously been granted for such equipment.

(3.0) RULE 203 Transfer

A permit shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

(3.0) RULE 204 Applications

Every application for a permit required under Rule 201 shall be filed in the manner and form prescribed by the Air Pollution Control Officer, and shall give all the information necessary to enable the Air Pollution Control Officer to make the determination required by Rule 208 hereof.

(3.0) RULE 205 Cancellations of Applications

a. An authority to construct shall expire and the application shall be cancelled two years from the date of issuance of the authority to construct.

b. An application for a permit to operate shall be cancelled two years from the date of filing of the application.

(3.0) RULE 206 Action on Applications

The Air Pollution Control Officer shall act, within a reasonable time, on a permit application and shall notify the applicant in writing of his approval, conditional approval, or denial.

(9.0) RULE 207 Provision of Sampling and Testing Facilities

A person operating or using any equipment for which these rules require a permit shall provide and maintain such sampling and testing facilities as specified in the permit.

(3.0) RULE 208 Standards For Granting Applications

a. The Air Pollution Control Officer shall deny a permit except as provided in Rule 209, if the applicant does not show that the use of any equipment, which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment, that it may be expected to operate without emitting or without causing to be emitted air contaminants in violations of Section 24242 or 24243, of the Health and Safety Code, or of these rules and regulations.

b. Before a permit is granted, the Air Pollution Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the equipment described in the permit. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the general industry safety orders of the State of California.

c. In acting upon a permit to operate, if the Air Pollution Control Officer finds that the equipment has been constructed not in accordance with the authority to construct, he shall deny the permit to operate. The Air Pollution Control Officer shall not accept any further application for permit to operate the equipment so constructed until he finds that the equipment has been constructed in accordance with the permit to construct.

(3.0) RULE 209 Conditional Approval

The Air Pollution Control Officer may issue an authority to construct or a permit to operate subject to conditions which will bring the operation of any equipment within the standards of Rule 208, in which case the conditions shall be specified in writing. Commencing work under such an authority to construct or operation under such a permit to operate shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an authority to construct or a permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the equipment can operate within the standards of Rule 208 under the revised conditions.

(3.0) RULE 210 Denial of Applications

In the event of denial of a permit, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgement of the persons served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his reasons for denial of the permit.

(3.0) RULE 211 Further Information

Before acting on an application for a permit, the Air Pollution Control Officer may require the applicant to furnish information or further plans or specifications.

(3.0) RULE 212 Applications Deemed Denied

The applicant may at his option deem the permit denied if the Air Pollution Control Officer fails to act on the application within 30 days after filing, or within 30 days after applicant furnishes the further information, plans and specifications requested by the Air Pollution Control Officer, whichever is later.

(3.0) RULE 213 Appeals

Within 10 days after notice by the Air Pollution Control Officer of denial of a permit, the applicant may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain or reverse the action of the Air Pollution Control Officer; such orders may be made subject to specified conditions.

(3.0) RULE 214 Existing Sources

Existing sources, where control equipment has been installed, that were in compliance and sources that are on a compliance schedule approved by the Air Pollution Control District, on the effective date of Rule 201, shall be issued a conditional permit to operate. The conditional permit to operate will not be valid if there is a significant change in the process or significant increase in production.

Existing sources, requiring the installation of control equipment, shall be issued a conditional permit to operate provided that an acceptable time for compliance is filed with the Air Pollution Control Officer. The time for compliance shall include each of the following times: time for engineering, time for procurement, time for fabrication, and time for installation and adjustment. The Air Pollution Control Officer may require such periodic reports on each phase of the progress toward compliance. Failure at any phase to make reasonable progress toward completion of such installations as are required for final compliance shall be deemed an unreasonable delay in compliance and is subject to revocation of the conditional permit to operate.

REGULATION III - FEES

(3.0) RULE 301 Permit Fee

a. Filing Fee Every applicant, except any federal, state, or local governmental agency or public district, for an authority to construct or a permit to operate equipment for which a permit is required by (the State Law or) the rules and regulations of the Air Pollution Control District, shall pay a filing fee of $20. Where an application is filed for a permit to operate any article, machine, equipment or other contrivance by reason of transfer from one person to another, and where a permit to operate had previously been granted under Rule 201 and no alteration, addition, or transfer of location has been made, the applicant shall pay only a $10 filing fee.

b. Permit Fee Every applicant, except any state or local governmental agency or public district, for a permit to operate, who files application with the Air Pollution Control Officer, shall in addition to the filing fee prescribed herein, pay the fee for the issuance of a permit to operate in the amount prescribed in the following schedules, provided, however, that the filing fee shall be applied to the fee prescribed for the issuance of the permit to operate.

c. Cancellation or Denial If an application for an authority to construct or a permit to operate is cancelled, or if an authority to construct or a permit to operate is denied and such denial becomes final, the filing fee required herein shall not be refunded nor applied to any subsequent application.

d. Transfer of Location or Owner Where an application is filed for a permit to operate any equipment by reason of transfer of location or transfer from one person to another, or both, and where a permit to operate had previously been granted for such equipment under Rule 201 and an alteration or addition has been made, the applicant shall be assessed a fee based upon the increase in total horsepower rating, the increase in total fuel consumption expressed in thousands of British Thermal Units (BTU) per hour, the increase in total electrical energy rating, the increase in maximum horizontal inside cross-sectional area or the increase in total stationary container capacity resulting from such alterations or additions, as described in the fee schedules contained herein. Where the application is for transfer of location, and no alteration or addition has been made, the applicant shall pay only the amount of the filing fee required herein.

e. Alteration of Equipment Where an application is filed for an authority to construct or a permit to operate exclusively involving revisions to the conditions of an existing permit to operate or involving alterations or additions resulting in a change to any existing equipment holding a permit under the provisions of Rule 201 of these rules and regulations, the applicant shall be assessed a fee based upon the increase in total horsepower rating, the increase in total fuel consumption expressed in thousands of British Thermal Units (BTU) per hour, the increase in total electrical energy rating, the increase in maximum horizontal inside cross-sectional area or the increase in total stationary container capacity resulting from such alterations or additions, as described in the fee schedules contained herein. Where there is no change or is a decrease in such rating, the applicant shall pay only the amount of the filing fee required herein.

f. Permit Fee Penalty After the provisions for granting permits as set forth in Chapter 2, Division 20, of the Health and Safety Code and the rules and regulations have been complied with, the applicant shall be notified by the Air Pollution Control Officer, in writing, of the fee to be paid for issuance of the permit to operate. Such notice may be given by personal service or by deposit, postpaid, in the United States mail and shall serve as a temporary permit to operate for 30 days from the date of personal service or mailing. Nonpayment of the fee within this period of time shall result in the automatic cancellation of the application.

g. Permit Granted by Hearing Board In the event that a permit to operate is granted by the Hearing Board after denial by the Air Pollution Control Officer or after the applicant deems his application denied, the applicant shall pay the fee prescribed in the following schedules within 30 days after the date of the decision of the Hearing Board. Nonpayment of the fee within this period of time shall result in automatic cancellation of the permit and the application.

h. Annual Renewal Fee Annually on the anniversary of the issuance of a permit to operate granted under Rule 201, the permittee shall pay a renewal fee amounting to one-fourth of the initial permit fee under current fee schedules. The holder of permits with more than one anniversary date may adjust annual renewal payments to a single anniversary date by pro-rating renewal fee(s) as necessary. If the renewal fee is not paid within 30 days after it becomes due, the fee shall be increased by one-half the amount thereof, and the Air Pollution Control Officer shall thereupon promptly notify the permittee by mail of the increased fee. If the increased fee is not paid within 30 days after such notice, the permit shall be automatically revoked and the Air Pollution Control Officer shall so notify the permittee by mail.

i. Multiple Locations When permits have been issued to operate movable equipment at two or more locations, only one annual renewal fee will be charged. The anniversary date on which the annual renewal fee will be due will be that noted on the original permit.

j. Duplicate Permit A request for a duplicate permit to operate shall be made in writing to the Air Pollution Control Officer within 10 days after the destruction, loss or defacement of a permit to operate. A fee of $2 shall be charged, except to any federal, state, or local governmental agency or public district, for issuing a duplicate permit to operate.

(3.0) RULE 302 Permit Fee Schedules

It is hereby determined that the cost of issuing permits, and of inspections pertaining to such issuance exceeds the fees prescribed herein. In determining the fees to be charged, the applicable equipment within each process that requires a permit will be totalled for each schedule. In the event that more than one fee schedule is applicable to a permit to operate, the governing schedule shall be that which results in the higher fee.

SCHEDULE 1

ELECTRIC MOTOR HORSEPOWER SCHEDULE

Any equipment which may cause the emission of air contaminants where an electric motor is used as the power supply shall be assessed a permit fee based on the total rated motorhorsepower of all electric motors included in any article, machine, equipment or other contrivance, in accordance with the following schedule:

Horsepower	Fee
Up to and Including 25	$ 20.00
Greater Than 25 but Less Than 50	28.00
Greater Than 50 but Less Than 100	48.00
Greater Than 100 but Less Than 200	76.00
Greater Than 200 but Less Than 400	100.00
Greater Than 400 but Less Than 800	148.00
Greater Than 800 but Less Than 1,600	200.00
1,600 or Greater	252.00

SCHEDULE 2

FUEL BURNING EQUIPMENT SCHEDULE

Any equipment which may cause the emission of air contaminants in which fuel is burned, with the exception of incinerators which are covered in Schedule 4, shall be assessed a permit fee based upon the design of the equipment expressed in British Thermal Units (BTU) per hour in accordance with the following schedule:

1,000 BTU Per Hour	Fee
Up to and Including 150	$ 20.00
Greater Than 150 but Less Than 400	28.00
Greater Than 400 but Less Than 650	48.00
Greater Than 650 but Less Than 1,500	76.00
Greater Than 1,500 but Less Than 2,500	100.00
Greater Than 2,500 but Less Than 5,000	148.00
Greater Than 5,000 but Less Than 15,000	200.00
15,000 or Greater	252.00

SCHEDULE 3

ELECTRICAL ENERGY SCHEDULE

Any equipment which may cause the emission of air contaminants which uses electrical energy, with the exception of electric motors covered in Schedule 1, shall be assessed a permit fee based on the total kilovolt ampere (KVA) rating, in accordance with the following schedule:

Kilovolt Ampere	Fee
Up to and Including 45	$ 20.00
Greater Than 45 but Less Tahn 145	28.00
145 or Greater but Less Than 450	48.00
450 or Greater but Less Than 1,450	60.00
1,450 or Greater but Less Than 4,500	88.00
4,500 or Greater but Less Than 14,500	148.00
14,500 or Greater	232.00

SCHEDULE 4

INCINERATOR SCHEDULE

Any equipment designed and used primarily to dispose of combustible refuse by wholly consuming the material charged leaving only the ashes or residue shall be assessed a permit fee based on the following schedule of the maximum horizontal inside cross-sectional area, in square feet, of the primary combustion chamber:

Area, in Square Feet	Fee
Up to and Including 8	$ 20.00
Greater Than 8 but Less Than 16	28.00
16 or Greater but Less Than 27	36.00
27 or Greater but Less Than 47	56.00
47 or Greater but Less Than 90	76.00
90 or Greater	112.00

SCHEDULE 5

STATIONARY CONTAINER SCHEDULE

Any stationary tank, reservoir, or other container, the contents which may emit an air contaminant shall be assessed a permit fee based on the following schedule of capacities in gallons or cubic equivalent, in accordance with the following schedule:

Gallons	Fee
Up to and Including 5,000	$ 20.00
5,001 - 20,000	24.00
20,001 - 50,000	36.00
50,001 - 100,000	48.00
100,001 - 500,000	64.00
500,001 - 1,000,000	80.00
1,000,001 - Up	100.00

SCHEDULE 6

MISCELLANEOUS SCHEDULE

Any article, machine, equipment or other contrivance which may cause the issuance of air contaminants as defined in Rule 102 of the rules and regualtions, which is not included in the preceding schedules shall be assessed a permit fee of $20.

(2.0)
(9.0) RULE 303. Analysis Fees.

Whenever the Air Pollution Control Officer finds that an analysis of the emission from any source is necessary to determine the extent and amount of pollutants being discharged into the atmosphere which cannot be determined by visual observation, he may order the collection of samples and the analysis made by qualified personnel of the Pollution Control District. The time required for collecting samples, making the analysis, and preparing the necessary reports, but excluding time required in going to and from such premises may be charged against the owner or operator of said premises in a reasonable sum to be determined by the Air Pollution Officer, which said sum is not to exceed the actual cost of such work.

(2.0)
(13.0) RULE 304. Technical Reports - Charges For:

Information, circulars, reports of technical work and other reports prepared by the Air Pollution Control District when supplied to other governmental agencies or individuals or groups requesting copies of the same, may be charged for by the district in a sum not to exceed the cost of preparation and distribution of such documents. All such monies collected shall be turned into the general funds of the said district.

(2.0)
(16.0) RULE 305. Hearing Board Fees

a. Every applicant or petitioner for a variance, or for the extension, revocation or modification of a variance, or for an appeal from a denial or conditional approval of an authority to construct or permit to operate except any federal, state, or local governmental agency or public district, shall pay the clerk of the Hearing Board, on filing, a nonreturnable fee in the sum of $25. It is hereby determined that the cost of administration of Article 5, Chapter 2, Division 20, of the Health and Safety Code exceeds $25 per petition.

b. Any person requesting a transcript of the hearing shall pay the cost of such transcript.

c. This rule shall not apply to petitions filed by the Air Pollution Control Officer.

REGULATION IV - PROHIBITIONS

(50.1.2) RULE 401. Visible Emissions

A person shall not discharge into the atmosphere from any single source of emission whatsoever, any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

a. As dark or darker in shade as that designated as No. 1 on the Ringlemann Chart, as published by the United States Bureau of Mines.

b. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a) of this rule.

(50.1.2) RULE 402. Exceptions (The provisions of Rule 401 do not apply to:)

a. Smoke from fires set by or permitted by any public officer, if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:

   1. For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or

   2. For the instruction of public employees in the methods of fighting fire.

b. Smoke from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in the methods of fighting fire.

c. Agricultural operations in the growing of crops or raising of fowl or animals.

d. The use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute.

e. The use of other equipment in agricultural operations in the growing of crops, or the raising of fowl or animals.

(50.1.2) RULE 403. Wet Plumes

Where the presence, of uncombined water is the only reason for the failure of an emission to meet the limitation of Rule 401, that rule shall not apply. The burden of proof which establishes the application of this rule shall be upon the person seeking to comb within its provisions.

(50.1) RULE 404. Particulate Matter Concentration

A person shall not release or discharge into the atmosphere from any source of single processing unit whatsoever dust, fumes, or particulate matter emissions in excess of 0.1 grain per cubic foot of gas at standard conditions.

(50.1) RULE 405. Particulate Matter Emission Rate

A person shall not discharge into the atmosphere from any source operation particulate matter in excess of the following table:

ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE:

Process Weight Rate		Maximum Allowable Emission Rate
Lbs/Hr	Tons/Hr	Lbs/Hr
50	0.025	0.36
100	0.05	0.55
500	0.25	1.53
1,000	0.50	2.34
5,000	2.5	6.34
10,000	5.0	9.37
20,000	10.0	14.99
60,000	30.0	29.60
80,000	40.0	31.19
120,000	60.0	33.28
160,000	80.0	34.85
200,000	100.00	36.11
400,000	200.00	40.35
1,000,000	500.00	46.72

Interpolation of the data for the process weight rates up to 60,000 lbs/hr shall be accomplished by the use of the equation:

$$E = 3.59\ P^{0.62} \qquad P \leq 30 \text{ tons/hr}$$

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lbs/hr shall be accomplished by use of the equation:

$$E = 17.31\ P^{0.16} \qquad P \geq 30 \text{ tons/hr}$$

Where: E = Emissions in pounds per hour.
P = Process weight in tons per hour.

(50.2) RULE 406. Sulfur Compounds

A person shall not discharge into the atmosphere sulfur compounds, which would exist as a liquid or gas at standard conditions, exceeding in concentration at the point of discharge: 0.2 percent by volume calculated as sulfur dioxide (SO_2).

(51.9) RULE 407.1. Disposal of Solid or Liquid Waste

A person shall not discharge into the atmosphere from any incinerator or other equipment used to dispose of combustible refuse by burning particulate matter in excess of 0.1 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO_2) at standard conditions. Any carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO_2).

(51.5) RULE 407.2. Fuel Burning Equipment - Combustion Contaminants

A person shall not discharge into the atmosphere combustion contaminants exceeding in concentration at the point of discharge: 0.1 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO_2).

(51.5) RULE 408. Fuel Burning Equipment
(51.6)
(51.7) A person shall not build, erect, install or expand any nonmobile fuel burning equipment unit unless the discharge into the atmosphere of contaminants will not and does not exceed any one or more of the following rates:

a. 200 pounds per hour of sulfur compounds, calculated as sulfur dioxide (SO_2).

b. 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO_2).

c. 10 pounds per hour of combustion contaminants as defined in Rule 102 and derived from the fuel.

For the purpose of this rule, fuel burning equipment means any furnace, boiler, apparatus, stack, and all appurances thereto, used in the process of burning fuel for the primary purpose of of producing heat or power by indirect heat transfer. A fuel burning unit shall be comprised of the minimum number of fuel burning equipment, the simultaneous operations of which are required for the production of useful heat or power.

Fuel burning equipment serving primarily as air pollution control equipment by using a combustion process to destroy air contaminants shall be exempt from the provisions of this rule.

Nothing in this rule shall be construed as preventing the maintenance or preventing the alteration or modification of an existing fuel burning equipment unit which will reduce its mass rate of air contaminant emissions.

(50.4) RULE 409. Organic Solvents

a. No person shall discharge into the atmosphere more than 15 pounds of organic materials in any 1 day from any article, machine, equipment, or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured, or heat-polymerized in the presence of oxygen, unless said discharge has been reduced by at least 85 percent. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing continuous web, strip, or wire that emit organic materials in the course of using operations described in this section.

b. A person shall not discharge to the atmosphere more than 40 pounds of organic materials in any 1 day from any article, machine, equipment, or other contrivance used under conditions other than those described in paragraph (a) of this section for employing or applying any photochemically reactive solvent, as defined in paragraph (k) of this section, or material containing such photochemically reactive solvent, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated-drying of products for the first 12 hours after their removal from any article, machine, or other contrivance described in this section shall be included in determining compliance with this paragraph. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in paragraph (a) of this section shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing a continuous web, strip, or wire that emit organic materials in the course of using oeprations described in this section shall be collectively subject to compliance with this section.

c. A person shall not, after August 31, 1976, discharge into the atmosphere more than 3,000 pounds of organic materials in any 1 day from any article, machine, equipment, or other contrivance in which any non-photochemically reactive organic solvent or any material containing such a solvent is employed or applied, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated-drying removal from any article, machine, equipment, or be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in paragraph (a) of this section shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing a continuous web, strip, or wire that emit organic materials in the course of using operations described in this section shall be collectively subject to compliance with this section.

d. Emissions of organic materials to the atmosphere from the cleanup with photochemically reactive solvent, as defined in section (k), of any article, machine, equipment or other contrivance described in sections (a), (b), or (c), shall be included with the other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this rule.

e. Emissions of organic materials into the atmosphere required to be controlled by sections (a), (b), or (c), shall be reduced by:

   1. Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

   2. Adsorption, or

   3. Processing in a manner determined by the Air Pollution Control Officer to be not less effective than (1) or (2) above.

f. A person incinerating, absorbing, or otherwise processing organic materials pursuant to this rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the authority to construct or the permit to operate, or as specified by the Air Pollution Control Officer, for indicating temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

g. Any person using organic solvents or any materials containing organic solvents shall supply the Air Pollution Control Officer, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties and amount consumed for each organic solvent used.

h. The provisions of this rule shall not apply to:

   1. The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

   2. The use of equipment for which other requirements are specified by Rules 410, 411, 412, and 413, or which are exempt from air pollution control requirements by said rules.

   3. The spraying or other employment of insecticides, pesticides or herbicides.

   4. The employment, application, evaporation or drying of saturated halogenated hydrocarbons or perchloroethylene.

   5. The use of any material, in any article, machine, equipment or other contrivance described in sections (a), (b), (c), or (d), if:

      (1) the volatile content of the material consists of only water and organic solvents and

      (2) the organic solvents content comprises not more than 20 percent by volume of the total volatile content and

      (3) the volatile content is not photochemically reactive and

      (4) the organic solvent does not come into contact with flame.

   6. The use of any material in any article, machine, equipment or other contrivance described in sections (a), (b), (c) or (d) if:

      (1) until January 1, 1977, the organic solvent content of a material does not exceed 30 percent by volume of said material; after January 1, 1977, the organic solvent content of such material shall not exceed 20 percent by volume and

      (2) the volatile content is not photochemically reactive as defined in section (k) and

      (3) the organic solvent content or any material containing organic solvent does not come into contact with flame.

i. For the purposes of this rule, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents, except that such materials exhibiting a boiling point higher than 220 degrees at 0.5 millimeter mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220 degrees F.

j. For the purposes of this rule, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

(1) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;

(2) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent;

(3) A combination of ethylbenzene, ketones having branched hydrocarbon structures trichloroethylene or tuoluene: 20 percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group; that is, that group having the least allowable percentage of the total volume of solvents.

k. For the purpose of this rule, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

(50.4) RULE 409.1. Architectural Coatings

a. A person shall not sell or offer for sale or use in Fresno County in containers of one quart capacity or larger, any architectural coating containing a photochemically reactive solvent as defined in Rule 409 (k).

b. A person shall not employ, apply, evaporate or dry in Fresno County any architectural coating purchased in containers of one quart capacity or larger containing a photochemically reactive solvent, as defined in Rule 409 (k).

c. A person shall not thin or dilute any architectural coating with a photochemically reactive solvent as defined in Rule 409 (k).

d. For the purposes of this rule, architectural coating is defined as a coating used for residential or commercial buildings and their appurtenances or industrial buildings.

(50.4) RULE 409.2. Disposal and Evaporation of Solvents

A person shall not during any one day dispose of a total of more than one and one-half gallons of any photochemically reactive solvent as defined in Rule 409 (k) or of any material containing more than one and one-half gallons of any such photochemically reactive solvent into the atmosphere.

(51.16) RULE 410. Storage of Petroleum Products

A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity any gasoline or any petroleum distillate having a vapor pressure of 1.5 pound per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

a. A floating roof, consisting of a pontoon type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or scale, to close the space between the roof edge and tank wall. The control equipment provided for in this paragraph shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greated under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

b. A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their omission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

c. Other equipment of equal efficiency, provided such equipment is submitted to and approved by the Air Pollution Control Officer.

(51.16) RULE 411 Gasoline Transfer into Stationary Storage Containers "Phase I" (Amended 11/26/74)

a. A person shall not transfer or permit the transfer of gasoline from any tank truck or trailer into any stationary container with a capacity of more than 250 gallons unless such container is equipped with a submerged fill pipe and unless 90 percent by volume of the gasoline vapors displaced during the filling of the stationary container are prevented from being released to the atmosphere under one of the following conditions.

   1. The displaced gasoline vapors or gases are processed by a system that inluces (1) a vapor-tight liquid fill connector, (2) a vapor-tight vapor return line to the delivery vessel, and (3) a tank vent line equipped with a device, or the system equipped with a device approved by the Air Pollution Control Officer which will insure that the vapor return line is connected before gasoline can be transferred into the container.

   2. Transfer is made to a storage container equipped as described in Rule 410 (a), (b), or (c).

b. The provisions of Rule 411 (a) shall not apply to the following:

   1. The transfer of gasoline into stationary storage containers used primarily for the fueling of implements of husbandry, as such vehicles are defined in Division 16 (Section 36000 et seq) of the California Vehicle Code, if such container is equipped by July 1, 1976, with a permanent submerged fill pipe.

   2. The transfer of gasoline into any stationary container having a capacity of 2,000 gallons or less which was installed prior to July 1, 1976; if such container is equipped by July 1, 1976, with a permanent submerged fill pipe.

   3. The transfer of gasoline into any storage container in existance prior to July 1, 1975, which is served by a delivery vessel exempted by the Air Pollution Control Officer pursuant to Section d-1 of this Rule, if such container is equipped by July 1, 1976, with a permanent submerged fill pipe.

4. The transfer of gasoline into any stationary storage container which the Air Pollution Control Officer finds is equipped to control emissions at least as effectively as required by this Rule.

5. The transfer of gasoline into any stationary storage container in existence prior to July 1, 1975, which is equipped with an offset fill pipe.

c. No person shall store gasoline in or otherwise use or operate any gasoline delivery vessel unless such vessel is designed and maintained to be vapor tight. Any delivery vessel into which gasoline vapors have been transferred shall be refilled only at a loading facility that is equipped with a system that presents at least 90 percent by weight of the gasoline vapors displaced from entering the atmosphere.

d. 1. The owner or operator or any bulk loading facility not subject to the provisions of Rule 412 which was in operation on or before July 1, 1975, and for which the annual throughput to stationary storage containers that are not exempted by Sections (b) 1 and (b) 2 does not exceed 500,000 gallons, may petition the Air Pollution Control Officer to have the facility's delivery vessels and other independently owned gasoline delivery vessels which are exclusively serviced at such facility exempted from the provisions of paragraph (c). The owner or operator of such a facility must petition annually to renew such exemptions.

2. A person shall not load gasoline into any delivery vessel from any loading facility granted an exemption pursuant to section (d-1) of this Rule unless, by July 1, 1976, such delivery vessel is loaded through a submerged fill pipe.

3. A person shall not operate any gasoline loading facility which is not subject to the provisions of Rule 412 after July 1, 1976, unless:

   (a) The facility is equipped with a system or systems to prevent the release to the atmosphere of at least 90 percent by weight of the gasoline vapors displaced during the filling of the facility's stationary storage containers; and

(b) The facility is equipped with a pressure-vacuum valve on the stationary storage containers with a minimum pressure valve setting of 15 ounces per square inch provided that such setting will not exceed the containers maximum pressure rating.

e. 1. The owner or operator of any stationary storage container or gasoline loading facility which is subject to this Rule and which is installed, constructed or replaced on or after July 1, 1975, shall comply with the provisions of this Rule at the time of installation.

2. The owner or operator of any stationary storage container subject to this Rule which is operating or in the process of being installed or constructed prior to July 1, 1975, shall comply with the provisions of this Rule by July 1, 1976, and shall comply with the following schedule:

(a) By November 1, 1975 - Apply for an Authority to Construct from the Air Pollution Control Officer for the installation of the needed control system;

(b) By January 1, 1976 - Submit to the Air Pollution Control Officer evidence that all necessary contracts for the design, procurement, and installation of the required emission control system have been negotiated and signed, or evidence that orders for the purchase of component parts necessary to accomplish the necessary emission control have been issued;

(c) By March 1, 1976 - Initiate onsite construction or installation of emission control equipement ant;

(d) By June 1, 1976 - Complete onsite construction or installation of emission control equipment, and;

(d) By July 1, 1976 - Secure the Air Pollution Control Officer's approval of the equipment installation.

f. 1. Any gasoline loading facility not subject to Rule 412 not granted an exemption pursuant to Section d-1 of this Rule and non-exempt accounts served by such a facility shall comply with the provisions of this Rule by January 1, 1977, and shall comply with the following schedule:

(a) By May 1, 1976 - Apply for an Authority to Construct from the Air Pollution Control Officer for the installation of the needed control system;

(b) By June 1, 1976 - Submit to the Air Pollution Control Officer evidence that all necessary contracts for the design, procurement, and installation of the required emissions control systems have been negotiated and signed, or evidence that orders for the purchase of component parts necessary to accomplish the necessary emission control have been issued;

(c) By September 1, 1976 - Initiate onsite construction or installation of emissions control equipment; and

(d) By December 1, 1976 - Complete onsite construction or installation of emissions control equipment; and

(e) By January 1, 1977 - Secure the Air Pollution Control Officer's approval of the equipment installation.

g. Vapor-return and/or vapor recovery systems used to comply with the provisions of this Rule shall comply with all safety fire, weights and measures, and other applicable codes and/or regulations.

h. 1. For the purpose of this Rule, the term "gasoline" is defined as any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

2. For the purposes of this Rule "gasoline vapors" means the organic compounds in the displaced vapors including any entrained liquid gasoline.

3. For the purposes of this Rule, the term "submerged fill pipe" is defined as any fill pipe, the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the contaner. "Submerged fill pipe" when applied to a container which is loaded from the side is defined as any fill pipe the discharge openeing of which is entirely submerged when the liquid level is 18 inches above the bottom of the container.

(51.16) RULE 411.1 Gasoline Transfer into Vehicle Fuel Tanks "Phase II" (Amended 11/26/74)

a. A person shall not transfer or permit the transfer of gasoline from any stationary storage container subject to the provisions of Rule 411 (a) into any motor vehicle fuel tank of greater than 5 gallons capacity unless such transfer is made thorugh a fill nozzle which:

    1. Is designed and operated to prevent the discharge of gasoline vapors to the atmosphere from the vehicle filler neck and fill nozzle.

    2. Directs the displaced gasoline vapors through the fill nozzle to a system that will prevent at least 90 percent by volume weight of such vapors from entering the atmosphere.

    3. Prevents fuel tank overfills and spillage on fill nozzle disconnect.

b. For the purpose of this rule, the term "gasoline" is defined as any petroleum distillate having a Reid vapor pressure of 4 pounds or greater.

c. For the purposes of this Rule "motor vehicle" is defined as any vehicle registered with the State Department of Motor Vehicles.

d. Gasoline dispensing equipment used to comply with the provisions of this rule shall comply with all applicable safety, fire weights and measures, and other applicable codes and/or regulations.

e. Any gasoline dispensing system subject to this rule, installed on or after July 1, 1975, shall comply with the provisions of this rule at the time of installation.

f. Any gasoline dispensing system subject to this rule, installed on in the process of being installed prior to July 1, 1975, shall comply with the provisions of this rule by May 31, 197 and the owner or operator of such system shall comply with the following schedule:

    1. By November 1, 1975 - Apply for an Authority to Construct from the Air Pollution Control Officer for the installation of the needed control system;

2. By January 1, 1976 - Submit to the Air Pollution Control Officer evidence that all necessary contracts for the design, procurement, and installation of the required emissions control systems have been negotiated and signed, or evidence that orders for the purchase of component parts necessary to accomplish the necessary emission control have been issued;

3. By March 1, 1976 - Initiate onsite construction or installation of emission control equipment;

4. By May 1, 1977 - Complete onsite construction or installation of emission control equipment; and

5. By May 31, 1977 - Secure the Air Pollution Control Officer's approval of all equipment and a Permit to Operate.

This rule shall apply only to the loading of organic liquids having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual loading conditions at a facility from which at least 20,000 gallons of such organic liquids are loaded in any one day.

"Loading Facility," for the purpose of this rule, shall mean any aggregation or combination of organic liquid loading equipment which is both (1) possessed by one person, and (2) located so that all the organic liquid loading outlets for such aggregation or combination of loading equipment can be encompassed within any circle of 300 feet in diameter.

(51.16) RULE 412 Organic Liquid Loading A person shall not load organic liquids having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual loading conditions into any tank truck, trailer, or railroad tank car from any loading facility unless the loading facility is equipped with a vapor collection and disposal system or its equivalent approved by the Air Pollution Control Officer.

Loading shall be accomplished in such a manner that all displaced vapor and air will be vented only to the vapor collection system. Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to accomplish complete drainage before the loading device is disconnected.

The vapor disposal portion of the vapor collection and disposal system shall consist of one of the following:

a. An absorber system or condensation system which processes all vapors and gases from the equipment being controlled.

b. A vapor handling system which directs all vapors to a fuel gas system.

c. Other equipment of an efficiency equal to or greater than (a) or (b) if approved by the Air Pollution Control Officer.

(51.16) RULE 413 Effluent Oil Water Separators

A person shall not use any compartment of any vessel or device operated for the recovery of oil from effluent water which recovers 200 gallons a day or more of any petroleum products from any equipment which processes, refines, stores, or handles hydrocarbons with a Reid vapor pressure of 0.5 pounds or greater, unless such compartment is equipped with one of the following vapor loss control devices, except when gauging or sampling is taking place:

a. A solid cover with all openings sealed and totally enclosing the liquid contents of that compartment.

b. A floating pontoon or double-deck type cover, equipped with closure seals, to enclose any space between the cover's edge and compartment wall.

c. A vapor recovery system which reduces the emission of all hydrocarbon vapors and gases into the atmosphere by at least 90 percent by weight.

d. Other equipment of an efficiency equal to or greater than (a), (b), or (c) if approved by the Air Pollution Control Officer.

This rule shall not apply to any oil-effluent water separator used exclusively in conjunction with the production of crude oil, if the water fraction of the oil-water effluent entering the separator contains less than 5 parts per million hydrogen sulfide, organic sulfides, or a combination thereof.

(51.21) RULE 414 Reduction of Animal Matter

A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

a. Incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 seconds, or

b. Processed in such a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than (a) above.

A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this rule shall provide, properly install and maintain in calibration, in good working order and in operation devices, as specified in the authority to construct or permit to operate as specified by the Air Pollution Control Officer, for indicating temperature, pressure, or other operating conditions.

For the purpose of this rule, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydration, digesting, evaporating and protein concentrating.

The provisions of this rule shall not apply to any article, machine, equipment or other contribance used exclusively for the processing of food for human consumption.

(51.13) RULE 415 Open Burning

No person shall burn any refuse or other material in an open outdoor fire within the boundaries of the Fresno County Air Pollution Control District.

(51.13) RULE 416 Exceptions

The exceptions to the Open Burning Rule 415 are as follows:

a. When such fire is set or permission for such fire is given in the performance of the official duty of any public officer, and such fire in the opionion of such officer is necessary for the purpose of the prevention of a fire hazard which cannot be abated by any other means, or for the instruction of public or industrial employees or volunteer fireman in methods of fire fighting.

b. Safety flares for the combustion of waste gases.

c. Fires used only for cooking of food for human beings.

d. When the material to be burned is residential rubbish and originates on and is being burned on premises not served by an organized solid waste disposal service, or available to a disposal site.

e. Backfires or other fire control methods used for the purpose of controlling an existing wild fire.

f. These exceptions shall not apply to the burning of rubbish of any indstrial, commercial or institutional facility wherever located or to a residential facility constructed for the use of more than two families.

g. Burning for right-of-way clearing, levee and ditch bank maintenance, or open burning at dumps by a public entity or utility when a permit is obtained from the Air Pollution Control District. This exception shall be subject to all the provisions of Rule 416.1.

h. Conducting agricultural operations in the growing of crops or raising of fowl, animals, or bees on a farm for the primary purpose of making a profit or for a livelihood; forest management; or range improvement subject to all the requirements in Rule 416.1.

(51.13) RULE 416.1 Agricultural Burning

a. General Definitions

1. Agricultural burning means open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, forest management, or range improvement, of land for wildlife and game habitat.

2. Open burning in agricultural operations in the growing of crops or raising of fowl or animals means:

(a) The burning in the open of materials produced wholly from operations in the growing and harvesting of crops or raising of fowl or animals for the primary purpose of making a profit, of providing a livelihood, or of conducting agricultural research or instruction by an educational institution; and

(b) In connection with operations qualifying under subdivision (a):

(1) This also includes, for the purpose of cultural practice burns, the buring of fence rows and ditch banks for weed control and weed abatement and burning in nontillage orchard operations.

(2) The burning of materials not produced wholly from such operation, but which are intimately related to the growing or harvesting of crops and which are used in the field, except as prohibited by District regulations. Examples are trays for drying raisins and pesticide and fertilizer sacks which are emptied in the field.

3. Range improvement burning means the use of open fires to remove vegetation for a wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.

4. Forest management burning means the use of open fires as part of a forest management practice, to remove forest debris. Forest management practices include timber operations, silvicultural practices or forest protection practices.

5. Brush treated means that the material to be burned has been felled, crushed or uprooted with mechanical equipment or has been desiccated with herbicides.

6. Timber operations means cutting or removal of timber or other forest vegetation for the purpose of producing commercial forest products.

7. Silvicultural means the establishemnt development, care and reproduction of stands of timber.

8. Board means the State Air Resources Board or any person authorized to act on its behalf.

9. Designated agency means any agency designated by the Board as having authority to issue agricultural burning permits. The U.S. Forest Service and the California Division of Forestry are so designated within their respective areas of jurisdiction.

10. A no-burn day means any day on which agricultural burning is prohibited by the Board.

11. A permissive-burn day means any day on which agricultural burning is not prohibited by the Board.

12. District means the Air Pollution Control District of Fresno County.

13. Approved ignition devices include those instruments or materials that will ignite agricultural waste without the production of black smoke by the ignition device. This would include such items as liquid petroleum gas, butane, propane or diesel oil burners and flares but does not include the use of tires, tar paper, oil, and other similar materials.

b. Prohibitions - General

1. No person shall knowingly set or permit agricultural burning unless he has a valid permit from the fire control agency designated by the Air Pollution Control Board to issue such permits in the area where the agricultural burn will take place.

   (a) Each fire control agency so designated by the Board shall issue agricultural burning permits subject to the rules and regulations of the Board and the District.

2. A permit shall not be issued to an applicant unless information is provided as required by the designated fire protection agency for fire protection purposes.

3. A permit shall not be issued to an applicant unless information is provided as required by the District.

4. No burn shall be conducted unless a notice of intent is given by the permittee to the fire control agency having jurisdiction over the site of the proposed burn.

5. A permit shall not be valid for any day during a period in which agricultural burning is prohibited by the Board.

6. A permit shall not be valid for any day in which burning is prohibited by the designated fire control agency having jurisdiction over the site of the burn for the purposes of fire control or prevention.

7. No material shall be burned unless it is free of tires, rubbish, tar paper, construction debris, used pesticide containers except sacks and any material that is not produced in any agricultural operation.

8. Material stacked for burning shall not be burned unless it is loosely stacked in such a manner as to promote drying and insure combustion with a minimum of smoke production.

9. Material shall not be burned unless it is free of excessive dirt, soil and visible surface moisture.

10. No material to be burned shall be ignited with an unapproved ignition device.

11. Material shall not be burned unless it has been allowed to dry for the following minimum time periods:

    (a) Open burning in agricultural operations

        (1) Rice Stubble: 4 days following harvest

        (2) Dry Cereals: 0 days

        (3) Prunings and Small Branches: 3 weeks

        (4) Large Branches and Grees: 6 weeks

    (b) Range improvement burning

        (1) Treated Brush and Unwanted Trees: 6 months

    (c) Forest management burning

        (1) As required by designated agency issuing the permit

12. No material shall be burned except during daylight hours, and all burning shall be terminated by sunset of each day. No material shall be added to an existing fire after 3 p.m., Pacific Standard Time (unless an exception has been granted).

13. No agricultural burning shall be permitted which will create a nuisance as defined in Section 24243 of the California State Health and Safety Code.

14. All burning shall be ignited as rapidly as practicable within applicable fire control restrictions.

15. The Control Officer may restrict agricultural burning to selected permittees on designated burn days if the total tonnage to be ignited would discharge a volume of contaminants into the atmosphere sufficient to cause adverse conditions.

c. Prohibitions - Range Improvement Burning

1. No brush or unwanted trees shall be burned unless it has been brush treated at least six months prior to the burn provided that it is economically and technically feasible.

2. If the burning is to be done primarily for improvement of land for wildlife and game habitat, no permit shall be issued unless the applicant has filed with the District a statement from the Department of Fish and Game certifying that the burn is desirable and proper.

d. Prohibitions - Forest Management Burning

1. Unless good silvicultural practice dictates otherwise, material shall not be burned until it has been windrowed or piled where possible.

e. Exceptions

1. Exception to Rule 416.1 (b-5 and b-11) The Air Pollution Control Officer may grant an exception to allow burning on a No-Burn Day so designated by the Board, and in certain situations to allow burning to continue past sunset of each day.

   The granting of an exception does not exempt the applicant from any other district or fire control regulation. The applicant shall submit in writing, on the form provided, his reasons for the exception. The Air Pollution Control Officer may seek the advice of the County Agricultural Commissioner, the County Farm Advisor, or other informed sources.

2. Agricultural burning at 4,000 feet or more above sea level is except from Rule 416.1 (b-5).

3. Empty sacks which contained pesticides or other toxic substances may be burned on a no-burn day providing the sacks are within the definition of "open burning in agricultural operations in the growing of crops or raising of fowl or animals."

f. Penalty

1. A violation of the provisions of these rules and regulations is a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months or by fine not exceeding five hundred dollars ($500), or both, and the cost of putting out the fire. Every day during any portion of which such violation occurs constitutes a separate offense.

(51.9) RULE 417 Incinerator Burning

A person shall not burn in any incinerator within the Fresno County Air Pollution Control District except in a multiple-chamber incinerator as described in Rule 102(s), or in equipment found by the Control Officer to be equally effective for the purpose of air pollution control as an approved multiple-chamber incinerator. The incineration of residential rubbish as permitted in Rule 416(d) shall be conducted in accordance with the Uniform Fire Code.

(50.7) RULE 418 Nuisance

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such person or the public or which cause or have a natural tendency to cause injury or damage to business or property.

(2.0) RULE 419 Exception

The provisions of Rule 418 do not apply to odors emanating from agricultural operations in the growing of crops or raising of fowl or animals.

(51.1) RULE 420 Orchard Heaters

a. Definition "Orchard Heater" means any article, machine, equipment, or other contrivance burning any type of fuel, or charcoal briquettes or similar substances burned by an open flame, capable of being used for the purpose of giving protection from frost damage. For the purpose of this rule, "Orchard Heater" shall include heaters used for frost protection for orchards, vineyards, field crops and truck crops. The contrivance commonly known as a wind machine is not included.

b. No new orchard heater produced or manufactured shall be sold for use against frost damage after January 1, 1971, unless it has been approved by the State Air Resources Board.

c. No person shall use any orchard heater after January 1, 1973, unless it has been approved by the State Air Resources Board or does not produce more than one gram per minute of unconsumed solid carbonaceous material.

d. It shall be unlawful to sell, or offer to sell for frost protection any orchard heater which does not comply with Rule 420(c).

e. All orchard heaters shall be maintained in reasonably clean condition, good repair and working order. Whenever orchard heaters are burning, they must be adequately attended and supervised to maintain the condition, adjustment and proper operation of the orchard heaters.

f. It shall be unlawful for any person, for the purpose of frost protection, to burn any rubber, rubber tires, or other substance containing rubber, or to burn oil or other combustible substances in drums, pails, or other containers except orchard heaters.

(10.0) (11.0) RULE 422 & 423 New Source Performance Standards and Emission Standards for Hazardous Air Pollutants

Definitions

"Affected Facility" means any apparatus to which a standard is applicable.

"Commenced" means that an owner or operator has undertaken a continuous program of construction of modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

"Construction" means fabrication, erection, or installation of an affected facility.

"Modification" means any physical change in, or change in the method of operation of, an affected facility which increases the amount of any air pollutant (to which a standard applies) emitted by such facility or which results in the emission of any air pollutant (to which a standard applies) not previously emitted, except that:

1. Routine maintenance, repair, and replacement shall not be considered physical changes, and
2. The following shall not be considered a change in the method of operation:
    - a. An increase in the production rate, if such increase does not exceed the operating design capacity of the affected facility;
    - b. An increase in hours of operation;
    - c. Use of an alternative fuel or raw material if, prior to the date any new source performance standard becomes applicable to such facility, the affected facility is designed to accomodate such alternative use.

"Owner or Operator" means any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.

"Shutdown" means the cessation of operation of an affected facility for any purpose.

"Startup" means the setting in operation of an affected facility for any purpose.

STANDARD 1

(2.0)
(10.0)

GENERAL PROVISIONS NEW SOURCE PERFORMANCE STANDARDS

A. 1. Any owner or operator subject to the provisions of these standards shall furnish the control officer written notification as follows:

a. A notification of the anticipated date of initial startup of an affected facility not more than 60 days or less than 30 days prior to such date.

b. A notification of the actual date of initial startup of an affected facility within 15 days after such date.

2. Any owner or operator subject to the provisions of these standards shall maintain for a period of 2 years a file of all measurements, including monitoring and performance testing measurements, and all other reports and records required by all applicable subparts.

3. Any owner or operator subject to the provisions of these standards shall maintain for a period of 2 years a record of the occurrence and duration of any startup, shutdown, or breakdown and report them in accordance to Rule 112 and the requirements of the individual standards.

B. 1. Within 60 days after achieving the maximum production rate at which the affected facility will be operated but not later than 180 days after initial startup of such facility and at such other times as may be required by the control officer, the owner or operator of such facility shall conduct performance test(s) and furnish the control officer a written report of the results of such performance test(s). The control officer may, at his option, conduct the required performance tests.

2. Performance tests shall be conducted and data reduced in accordance with the test methods and procedures prescribed by the control officer.

3. Performance tests shall be conducted under such conditions as the control officer shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the control officer such records as may be necessary to determine the conditions of the performance tests. Operations during period of startup, shutdown, and breakdown shall not constitute representative conditions of performance tests unless otherwise specified in the applicable standard.

4. The owner or operator of an affected facility shall provide the control officer 30 days prior notice of the performance test to afford the control officer the opportunity to have an observer present.

5. Each performance test shall consist of three separate runs. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the owner or operator's control, compliance may, upon the control officer's approval, be determined using the arithmetic mean of the results of the two other runs.

C. 1. Compliance with these standards other than opacity standards, shall be determined only by performance tests established by paragraph B of this standard except where performance tests are not specified.

STANDARD 2

(10.0)
(51.5)

STANDARDS OF PERFORMANCE FOR FOSSIL FUEL-FIRED STEAM GENERATORS

DEFINITIONS

"Fossil fuel-fired steam generating unit" means a furnance or boiler used in the process of burning fossil fuel for the purpose of producing steam by heat transfer.

"Fossil fuel" means natural gas, petroleum coal, and any form of solid, liquid, or gaseous fuel derived from such materials for the purpose of creating useful heat.

EMISSION STANDARD

This standard applies to all fossil fuel-fired steam generating units, the construction or modification of which commenced after August 17,1971, of more than 250 million B.T.U. per hour heat input. Any change to an existing fossil fuel-fired steam generating unit to accomodate the use of combustible materials, other than fossil fuels as defined in this standard shall not bring that unit under the applicability of this standard.

1. On and after the date on which the performance test required to be conducted by Standard 1.B.1. is completed, no owner or operator subject to the provisions of this standard shall cause to be discharged into the atmosphere from any affected facility any gases which:

    a. Contain particulate matter in excess of 0.10 lb. per million B.T.U. heat input derived from fossil fuel.

    b. Exhibit 20% opacity or greater except that a maximum of 40% opacity shall be permissible for not more than 2 minutes in any one hour. Where the presence of uncombined water is the only reason for failure to meet the requirements of this paragraph, such failure shall not be a violation of this standard. The burden of proof which establishes the application of this standard shall be upon the person seeking to come within its provisions.

2. On and after the date on which the performance test required to be conducted by Standard 1.B.1. is completed, no owner or operator subject to the provisions of this standard shall cause to be discharged into the atmosphere from any affected facility any gases which contain sulfur dioxide in excess of:

a. 0.80 lb. per million B.T.U. heat input when liquid fossil fuel is burned.

b. 1.2 lbs. per million B.T.U. heat input when solid fossil fuel is burned.

c. Where different fossil fuels are burned simultaneously in any combination, the applicable standard shall be determined by proration using the following formula:

$$\frac{y\ (0.80) + z\ (1.2)}{y + z}$$

where:

y is the percent of total heat input derived from liquid fossil fuel,

z is the percent of total heat input derived from solid fossil fuel.

d. Compliance shall be based on total heat input from all fossil fuels burned, including gaseous fuels.

3. On and after the date on which the performance test required to be conducted by Standard 1.B.1. is completed, no owner or operator subject to the provisions of this standard shall cause to be discharged into the atmosphere from any affected facility any gases which contain nitrogen oxides, expressed as NO_2, in excess of:

a. 0.20 lb. per million B.T.U. heat input when gaseous fossil fuel is burned.

b. 0.30 lb. per million B.T.U. heat input when liquid fossil fuel is burned.

c. 0.70 lb. per million B.T.U. heat input when solid fossil fuel (except lignite) is burned.

d. Where different fossil fuels are burned simultaneously in any combination, the applicable standard shall be determined by proration using the following formula:

$$\frac{x(0.20) + y(0.30) + z(0.70)}{x + y + z}$$

where:

x is the percent of total heat input derived from gaseous fossil fuel,

y is the percent of total heat input derived from liquid fossil fuel, and

z is the percent of total heat input derived from solid fossil fuel (except lignite).

MONITORING

1. There shall be installed, calibrated, maintained, and operated, in any fossil fuel-fired steam generating unit subject to the provisions of this part, emission monitoring instruments as follows:
    a. A photoelectric or other type smoke deterector and recorder, except where gaseous fuel is the only fuel burned.
    b. An instrument for continuously monitoring and recording sulfur dioxide emissions, except where gaseous fuel is the only fuel burned, or where compliance is achieved through low sulfur fuels and representative sulfur analysis of fuels are conducted daily in accordance with paragraph 3 or 4. of this section. Analysis of all fuel received may be substituted for daily fuel analysis if this will assure accurate knowledge of sulfur content of fuel as burned. When fuels must be blended to achieve compliance sulfur analysis of fuels may not be used, and SO_2 emission monitoring is required.
    c. An instrument for continuously monitoring and recording emissions of nitrogen oxides.
2. Instruments and sampling systems installed and used pursuant to this section shall be capable of monitoring emission levels within ±20 percent with a confidence level of 95 percent and shall be calibrated in accordance with the method(s) prescribed by the manufacturer(s) of such instruments: instruments shall be subjected to manufacturer's recommended zero adjustment and calibration procedures at least once per 24-hour operating period unless the manufacturer(s) specifies or recommends calibration at shorter intervals, in which case such speicifications or recommendations shall be followed.
3. The sulfur content of solid fuels, as burned, shall be determined in accordance with the following methods of the American Society for Testing and Materials:

a. Mechanical sampling by Method D 2234-65.

b. Sample preparation by Method D 2013-65.

c. Sample analysis by Method D 271-68.

4. The sulfur content of liquid fuels, as burned, shall be determined in accordance with the American Society for Testing and Materials Methods D 1551-68, or D 129-64, or D 1352-64.

5. The rate of fuel burned for each fuel shall be measured daily or at shorter internals and recorded. The heating value and ash content of fuels shall be ascertained at least once per week and recorded. Where the steam generating unit is used to generate electricity, the average electrical output and the minimum and maximum hourly generation rate shall be measured and recorded daily.

6. For the purpose of reports required pursuant to Standard 1.A. periods of excess emissions that shall be reported are defined as follows:

   a. Opacity. All hourly periods during which there are three or more one-minute periods when the average opacity equals or exceeds 20 percent.

   b. Sulfur Dioxide. Any two consecutive hourly periods during which average sulfur dioxide emissions exceed 0.80 pound per million B.T.U. heat input for liquid fossil fuel burning equipment or exceed 1.2 pound per million B.T.U. heat input for solid fossil fuel burning equipment; or for sources which elect to conduct representative analyses of fuels in accordance with paragraph 3 or 4 of this section in lieu of installing and operating a monitoring device pursuant to paragraph 1.b. of this section, any calendar day during which fuel analysis shows that the limits of paragraph 2 (emission standard) are exceeded.

   c. Nitrogen Oxides. Any two consecutive hourly periods during which the average nitrogen oxides emissions exceed 0.20 pound per million B.T.U. heat input for gaseous fossil fuel burning equipment, or exceed 0.30 pound per million B.T.U. for liquid fossil fuel burning equipment, or exceed 0.70 pound per million B.T.U. heat input for solid fossil fuel burning equipment.

TEST PROCEDURE

(See Standard 1.B. for performance test requirements)

Emissions shall be tested according to the method(s) listed in 40 CFR 60.46, dated December 23, 1971, or by District test procedures which are approved as equivalent.

STANDARD 3

(10.0) (51.9) STANDARD OF PERFORMANCE FOR INCINERATORS

DEFINITIONS

"Day" means 24 hours.

"Incinerator" means any furnace used in the process of burning solid waste for the purpose of reducing the volume of the waste by removing combustible matter.

"Solid Waste" means refuse more than 50 percent of which is minicipal type waste consisting of a mixture of paperk wood, yard wastes, food wastes, plastics, leather, rubber, and other combustibles, and non-combustible materials such as glass and rock.

EMISSION STANDARD

This standard applies to solid waste incinerators, the construction or modification of which commenced after August 17, 1971, or more than 50 tons per day charging rate.

On and after the date on which the performance test required to be conducted by Standard 1.B.1. is completed, no owner or operator of a solid waste incinerator subject to this standard shall cause to be discharged into the atmosphere any gases which contain particulate matter in excess of 0.08 grains per dry standard cubic foot corrected to 12T CO_2.

MONITORING

The owner or operator of any incinerator subject to the provisions of this standard shall record the daily charging rates and hours of operation.

TESTING PROCEDURE

(See Standard 1.B for performance test requirements)

Emissions shall be tested according to the method(s) listed in 40 CFR 60.54, dated December 23, 1971, or by District test procedures which are approved as equivalent.

STANDARD 4

(10.0) (51.3) STANDARDS OF PERFORMANCE FOR PORTLAND CEMENT PLANTS

DEFINITIONS

"Kiln feed" means all material except fuels entering the kiln measured on a dry basis.

"Portland cement plant" means any facility manufacturing portland cement by either the wet or dry process.

EMISSION STANDARD

This standard applies to the following affected facilities in portland cement plants the construction or modification of which commenced after August 17, 1971: kiln, clinker cooler, raw mill system, finish mill system, raw mill dryer, raw material storage, clinker storage, finished product storage, conveyor transfer points, bagging and bulk loading and unloading systems.

On and after the date on which the perofrmance test required to be conducted by Standard 1.B.1. is completed, no owner or operator subject to the provisions of this standard shall cause to be discharged into the atmosphere:

1. Gases from any kiln which:
   a. Contain particulate matter in excess of 0.30 lb. per ton of feed to the kiln.
   b. Exhibit 20% opacity or greater.
2. Gases from a clinker cooler which:
   a. Contain particulate matter in excess of 0.10 lb. per ton of feed to the kiln.
   b. Exhibit 10% opacity or greater.
3. Gases from any affected facility other than the kiln and clinker cooler which exhibit 10% opacity or greater.
4. Where the presence of uncombined water is the only reason for failure to meet the requirements of paragraphs 1.b. and 2.b, and 3, such failure will not be a violation of this standard. The burden of proof which establishes the application of this standard shall be upon the person seeking to come within its provisions.

MONITORING

The owner or operator of any portland cement plant subject to the provisions of this standard shall record the daily production rates and kiln feed rates.

TESTING PROCEDURE

(See Standard 1.B. for performance test requirements)

Emissions shall be tested according to the method(s) listed in 40 CFR 60.64, dated December 23, 1971, or by District test procedures which are approved as equivalent.

STANDARD 5

(10.0)
(51.10)

STANDARDS OF PERFORMANCE FOR NITRIC ACID PLANTS

DEFINITIONS

"Nitric acid production unit" means any facility producing weak nitric acid by either the pressure or atmospheric pressure process.

"Weak nitric acid" means acid which is 30 to 70 percent in strength.

EMISSION STANDARD

This standard applies to nitric acid plants, the construction or modification of which commenced after August 17, 1971.

On and after the date on which the performance test required to be conducted by Standard 1.B.1. is completed, no owner or operator subject to the provisions of this standard shall cause to be discharged into the atmosphere from any affected facility any gases which:

1. Contain nitrogen oxides, expressed as NO_2, in excess of 3 lbs. per ton of acid produced, the production being expressed as 100% nitric acid.
2. Exhibit ten percent opacity or greater. Where the presence of uncombined water is the only reason for failure to meet this requirement, such failure shall not be considered a violation of this standard. The burden of proof which establishes the application of this standard shall be upon the person seeking to come within its provisions.

MONITORING

There shall be installed, calibrated, maintained, and operated, in any nitric acid production unit subject to the provisions of this standard, an instrument for continuously monitoring and recording emissions of nitrogen oxides.

The instrument and sampling system installed and used pursuent to this section shall be capable of monitoring emission levels within ±20 percent with a confidence level of 95 percent and shall be calibrated in accordance with the method(s) prescribed by the manufacturer(s) of such instrument, the instrument shall be subjected to manufacturers recommended zero adjustment and calibration procedures at least once per 24-hour operating period unless the manufacturer(s) specifies or recommends calibration at shorter intervals in which case such specifications or recommendations shall be followed.

Production rate and hours of operation shall be recorded daily.

For the purpose of making written reports pursuent to Standard 1.A. periods of excess emissions that shall be reported are defined as any two consecutive hourly periods during which average nitrogen oxides emissions exceed 3 pounds per ton of acid produced.

TESTING PROCEDURE

(See Standard 1.B for performance test requirements)

Emissions shall be tested according to the method(s) listed in 40 CFR 60.74, dated December 23, 1971, or by District test procedures which are approved as equivalent.

STANDARD 6

(10.0)
(51.18)

STANDARDS OF PERFORMANCE FOR SULFURIC ACID PLANTS

DEFINITIONS

"Acid mist" means sulfuric acid mist, as measured by test methods set forth in these standards or equivalent or alternative methods.

"Sulfuric acid production unit" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hyrogen sulfide, organic sulfides and mercaptans, or acid sludge, but does not include facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

EMISSION STANDARD

This standard applies to sulfuric acid plants, the construction or modification of which commenced after August 17, 1971.

On and after the date on which the performance test required to be conducted by Standard 1.B.1 is completed, no owner or operator subject to the provisions of this standard shall cause to be discharged into the atmosphere from any affected facility any gases which:

1. Contain sulfur dioxide in excess of 4 lb. per ton of acid produced, the production being expressed as 100% H_2SO_4;
2. Contain acid mist, expressed as H_2SO_4, in excess of 0.15 lb. per ton of acid produced, the production being expressed as 100% H_2SO_4;
3. Exhibit 10 percent opacity or greater. Where the presence of uncombined water is the only reason for failure to meet this requirement, such failure shall not be considered a violation of this standard. The burden of proof which establishes the application of this standard shall be upon the person seeking to come within its provisions.

MONITORING

There shall be installed, calibrated, maintained, and operated, in any sulfuric acid production unit subject to the provisions of this subpart, an instrument for continuously monitoring and recording emissions of sulfur dioxide.

The instrument and sampling system installed and used pursuant to this section shall be capable of monitoring emission levels within ±20 percent with a confidence level of 95 percent and shall be calibrated in accordance with the method(s) prescribed by the mnaufacturer(s) of such instrument, the instrument shall be subject to manufacturers recommended zero adjustment calibration procedures at least once per 24-hour operating period unless the manufacturer(s) specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed.

Production rate and hours of operation shall be recorded daily.

For the purpose of making written reports pursuant to Standard 1.A. periods of excess emissions that shall be reported are defined as any two consecutive hourly periods during which average sulfur dioxide emissions exceed 4 pounds per ton of acid produced.

TESTING PROCEDURE

(See Standard 1.B for performance test requirements)

Emissions shall be tested according to the method(s) listed in 40 CFP 60.85, dated March 8, 1974, or by District test procedures which are approved as equivalent.

STANDARD 7

(10.0)
(51.8)

STANDARDS OF PERFORMANCE FOR ASPHALT CONCRETE PLANTS

DEFINITIONS

"Asphalt concrete plant" means any facility, as described below, used to manufacture asphalt concrete by heating and drying aggregate and mixing with asphalt cement.

EMISSION STANDARD

This standard applies to asphalt concrete plants, the construction or modification of which commenced after June 11, 1973. For the purpose of this standard, an asphalt concrete plant is comprised only of any combination of the following: Dryers; sytems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler; systems for mixing asphalt concrete; and the loading, transfer, and storage systems associated with emission control systems.

On and after the date on which the performance test required to be conducted by Standard 1.B.1. is completed, no owner or operator subject to the provisions of this standard shall cause to be discharged into the atmosphere from any affected facility any gases which:

1. Contain particulate matter in excess of 0.04 gr/dscf.
2. Exhibit 20 percent opacity, or greater. Where the presence of uncombined water is the only reason for failure to meet the requirements of this paragraph, such failure shall not be a violation of this standard. The burden of proof which establishes the application of this standard shall be upon the person seeking to come within its provisions.

TESTING PROCEDURE

(See Standard 1.B for performance test requirements)

Emissions shall be tested according to the method(s) listed in 40 CFR 60.93, dated March 8, 1974, or by District test procedures which are approved as equivalent.

STANDARD 8

(10.0) (51.15) STANDARDS OF PERFORMANCE FOR PETROLEUM REFINERIES

DEFINITIONS

"Coke burn-off" means the coke removed from the surface of the fluid catalytic cracking unit catalyst by combustion in the catalyst regenerator. The rate of coke burn-off is calulated by the formula specified in 40 CFR 60.106 dated March 8, 1974.

"Fuel gas" means any gas which is generated by a petroleum refinery process unit and which is combuted, including any gaseous mixture of natureal gas and fuel gas which is combusted.

"Fuel gas combustion device" means any equipment, such as process heaters, boilers and flares used to combust fuel gas, but does not include fluid coking unit and fluid catalytic cracking unit incinerator-waste heat boilers or facilities in which gases are combusted to produce sulfur or sulfuric acid.

"Petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

"Petroleum refinery" means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of petroleum or through redistillation, cracking or reforming of unfinished petroleum derivatives.

"Process gas" means any gas generated by a petroleum refinery process unit, except fuel gas and process upset gas as defined in these definitions.

"Process upset gas" means any gas generated by a petroleum refinery process unit as a result of start-up, shut-down, upset or breakdown.

"Refinery process unit" means any setment of the petroleum refinery in which a specific processing oepration is conducted.

EMISSION STANDARD

This standard applies to the following affected facilities in petroleum refineries: Fluid catalytic cracking unit catalyst regenerators, fluid catalytic cracking unit incinerator-waste heat boilers, and fuel gas combustion devices, the construction or modification of which commenced after June 11, 1973.

1. On and after the date on which the performance test required to be conducted by Standard 1.B.1. is completed, no owner or operator subject to the provisions of this standard shall cause to be discharged into the atmosphere:

   a. From any fluid catalytic cracking unit catalyst regenerator or from any fluid catalytic cracking unit incinerator-waste heat boiler:

      (1) Particulate matter in excess of 1.0 lb/1000 lbs. of coke burn-off in the catalyst regenerator.

      (2) Gases which exhibit 30 percent opacity or greater, except for 3 minutes in any one hour. Where the presence of uncombined water is the only reason for failure to meet the requirements of this subparagraph, such failure shall not be a violation of this standard. The burden of proof which establishes the application of this standard shall be upon the person seeking to come within its provisions.

      (3) In those instances in which auxiliary liquid or solid fossil fuels are burned in the fluid catalytic cracking unit incinerator-waste heat boiler, particulate matter in excess of that permitted by subparagraph 1.a (1) of this standard may be emitted to the atmosphere except that the incremental rate of particulate emissions shall not exceed 0.10 lb/million B.T.U. of heat input attributable to such liquid or solid fuel.

   b. From the fluid catalytic cracking unit catalyst regenerator any gases which contain carbon monoxide in excess of 0.050 percent by volume.

2. a. On and after the date on which the performance test required to be conducted by Standard 1.B.1. is completed, no owner or operator subject to the provisions of this standard shall burn in any fuel gas combustion device any fuel gas which contains H_2S in excess of 0.10 gr/dscf except as provided in subparagraph b. of this paragraph. The combustion in a flare of process gas or fuel gas which is released to the flare as a result of relief valve leakage, is exempt from this paragraph.

   b. The owner or operator may elect to treat the gases resulting from the combustion of fuel gas in a manner which limits the release of SO_2 to the atmosphere if it is shown to the satisfaction of the control officer that this prevents SO_2 emissions as effectively as compliance with the requirements of subparagraph a. of this paragraph.

MONITORING

1. The owner or operator of any petroleum refinery subject to the provisions of this subpart shall install, calibrate, maintain, and operate monitoring instruments as follows:

    a. photoelectric or other type smoke detector and recorder to continuously monitor and record the opacity of gases discharged into the atmosphere from the gluid catalytic cracking unit catalyst regenerator.

    b. An instrument for continuously monitoring and recording the concentration of CO in gases discharged into the atmosphere from fluid catalytic cracking unit catalyst regenerators, except where the requirements of paragraph 1.c. of this monitoring section are met.

    c. Instruments for continuously monitoring and recording firebox temperature and O_2 concentration in the exhaust gases from any incinerator-waste heat boiler which combusts the exhaust gases from a fluid catalytic cracking unit catalyst regenerator except where the requirements of paragraph 1.b. of this monitoring section are met.

    d. An instrument for continuously monitoring and recording concentrations of H_2S in fuel gases burned in any fuel gas combustion device, except where the requirements 2.b of the emission standard are met. Fuel gas combustion devices having a common source of fuel gas may be monitored at one location if sampling at this location produces results representative of the H_2S concentration in the fuel gas burned.

    e. An instrument for continuously monitoring and recording concentrations of SO_2 in the gases discharged into the atmosphere from the combustion of fuel gases except where the requirements of 2.a of the emission standard are met.

2. Instruments and sampling systems installed and used pursuant to this section shall meet specifications prescribed by the control officer and each instrument shall be calibrated in accordance with the method prescribed by the manufacturer of such instrument. The instruments shall be subjected to the manufacturer's recommended zero adjustment and calibration procedures at least once per 24-hour operating period unless the manufacturer specifies or recommends calibration at shorter intervals, in which case such specifications or recommendations shall be followed.

3. The average coke burn-off rate (thousands of kilogram/hr) and hours of operation for any fluid catalytic cracking unit catalyst regenerator subject to paragraphs 1.a or 1.b of the emission standard shall be recorded daily.

4. For any fluid catalytic cracking unit catalyst regenerator which is subject to paragraph 1.a of the emission standard and which utilizes an incinerator-waste heat boiler to combust the exhaust gases from the catalyst regenerator, the owner or operator shall record daily the rate of combustion of liquid or solid fossil fuels (liters/hr or kilograms/hr) and the hours of operation during which liquid or solid fossil fuels are combusted in the incinerator-waste heat boiler.

5. For the purpose of reports pursuant to Standard 1.A, periods of excess emissions that shall be reported are defined as follows:

   a. Opacity - All hourly periods in which there are four or more 1-minute periods during which the average opacity of the gases discharged into the atmosphere from any fluid catalytic cracking unit catalyst regenerator subject to paragraph 1.a of the emission standard equals or exceeds 30 percent.

   b. Carbon monoxide -11 hourly periods during which the average carbon monoxide concentration in the gases discharged into the atmosphere from any fluid catalytic cracking unit catalyst regenerator subject to paragraph 1.b of the emission standard exceeds 0.050 percent by volume; or any hourly period in which O_2 concentration and firebox temperature measurements indicate that the average concentration of CO in the gases discharged into the atmosphere exceeds 0.050 percent by volume for sources which combust the exhaust gases from any fluid catalytic cracking unit catalyst regenerator subject to paragraph 1.b of the emission standard in an incinerator-waste heat boiler and for which the owner or operator elects to monitor in accordance with paragraph 1.c of this monitoring section.

   c. Hydrogen sulfide - All hourly periods during which the average hydrogen sulfide content of any fuel gas combusted in any fuel gas combustion device subject to paragraph 2.a of the emission standard exceeds 0.10 gr/dscf except where the requirements of paragraph 2.b of the emission standard are met.

d. Sulfur dioxide - All hourly periods during which the average sulfur dioxide emissions discharged into the atmosphere from any fuel gas combustion device subject to paragraph 2 of the emission standard exceed the level specified in paragraph 2.b of the emission standard except where the requirements of paragraph 2.a of the emission standard are met.

TESTING PROCEDURE

(See Standard 1.B for performance test requirements)

Emissions shall be tested according to the method(s) listed in 40 CFR 60.106, dated March 8, 1974, or by District test procedures which are approved as eqivalent.

STANDARD 9

(10.0)
(51.16)

STANDARDS OF PERFORMANCE FOR STORAGE VESSELS FOR PETROLEUM LIQUIDS

DEFINITIONS

"Condensate" means hydrocarbon liquid separated from natural gas which condenses due to changes in the temperature and/or pressure and remains liquid at standard conditions.

"Custody transfer" means the transfer of produced petroleum and/or condensate, after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

"Drilling and production facility" means all drilling and servicing equipment, wells, flow lines, separators, equipment, gathering lines, and auxilary non-transportation-related equipment used in the production of petroleum but does not include natural gasoline plants.

"Floating roof" means a storage vessel cover consisting of a double deck, pontoon single deck, internal floating cover or covered floating roof, which rests upon and is supported by the petroleum liquid being contained, and is equipped with a closure seal or seals to close the space between the roof edge and tank wall.

"Hydrocarbon" means any organic compound consisting predominantly of carbon and hydrogen.

"Petroleum" means the crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

"Petroleum liquids" means petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Numbers 2 through 6 fuel oils as specified in ASTM-D-396-69, gas turbine fuel oils Number 2-GT through 4-GT as specified in ASTM-D-2880-71, or diesel fuel oils Numbers 2-D and 4-D as specified inD-975-68.

"Petroleum refinery" means any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of petroleum or through redistillation, cracking, or reforming of unfinished petroleum derivatives.

"Reid vapor pressure" is the absolute vapor pressure of volatile crude oil and volatile non-viscous petroleum liquids, except liquified petroleum gases, as determined by ASTM-D-323-58 (reapproved 1968).

"Storage vessel" means any tank, reservoir, or container used for the storage of petroleum liquids, but does not include:

1. Pressure vessels which are designed to operate in excess of 15 pounds per square inch gauge without emissions to the atmosphere except under emergency conditions.

2. Subsurface caverns or porous rock reservoirs, or

3. Underground tanks if the total volume of petroleum liquids added to and taken from a tank annually does not exceed twice the volume of the tank.

"True vapor pressure" means the equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss From Floating Roof Tanks," 1962.

"Vapor recovery system" means a vapor gathering system capable of collecting all hydrocarbon vapors and gases discharged from the storage vessel and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere.

EMISSION STANDARD

This standard applies to storage vessels for petroleum liquids the construction or modification of which commenced after March 8, 1974, of more than 40,000 gallons storage capacity except it shall not apply to storage vessels for petroleum or condensate stored, processed, and/or treated at a drilling and production facility prior to custody transfer.

The owner or operator of any storage vessel to which this standard applies shall store petroleum liquids as follows:

1. If the true vapor pressure of the petroleum liquid, as stored, is equal to or greater than 78 mm Hg (1.5 psia) but not greater than 570 mm Hg (11.1 psia) the storage vessel shall be equipped with a floating roof, a vapor recovering system, or their equivalents.

2. If the true vapor pressure of the petroleum liquid as stored is greater than 570 mm Hg (11.1 psia), the storage vessel shall be equipped with a vapor recovery system or its equivalent.

MONITORING

The owner or operator of any storage vessel to which this standard applies shall for each such storage vessel maintain a file of each type of petroleum liquid stored, of the typical Reid vapor pressure of each type of petroleum liquid stored, and of the dates of storages. Dates on which the storage vessel is empty shall be shown.

The owner or operator of any storage vessel to which this standard applies shall for each such storage vessel determine and record the average monthly storage temperature and true vapor pressure of the petroleum liquid stored at such temperature if:

1. The petroleum liquid has a true vapor pressure, as stored, greater than 26 mm Hg (1.5 psia) and is stored in a storage vessel other than one equipped with a floating roof, a vapor recovery system or their equivalents; or

2. The petroleum liquid has a true vapor pressure, as stored, greater than 470 mm Hg (9.1 psia) and is stored in a storage vessel other than one equipped with a vapor recovery system or its equivalent.

The average monthly storage temperature is an arithmetic average calculated for each calendar month, or portion thereof if storage is for less than a month, from bulk liquid storage temperatures determined at least once every 7 days.

The true vapor pressure shall be determined by the procedures in API Bulletin 2517. This procedure is dependent upon determination of the storage temperature and the Reid vapor pressure, which requires sampling of the petroleum liquids in the storage vessels. Unless the control officer requires in specific cases that the stored petroleum liquid be sampled, the true vapor pressure may be determined by using the average monthly storage temperature and the typical Reid vapor pressure. For those liquids for which certified specifications limiting the Reid vapor pressure exist, that Reid vapor pressure may be used. For other liquids, supporting analytical data must be made available on request to the control officer when typical Reid vapor pressure is used.

STANDARD 10

(10.0) (51.17) STANDARDS OF PERFORMANCE FOR SECONDARY LEAD SMELTERS

DEFINITIONS

"Lead" means elemental lead or allows in which the predominent component is lead.

"Reverberatory furnace" includes the following types of reverberatory furnaces: stationary, rotating, rocking, or tilting.

"Secondary lead smelter" means any facility producing lead from a lead-bearing scrap material by smelting to the metallic form.

EMISSION STANDARD

This standard applies to the following facilities in secondary lead smelters, the construction or modification of which commenced after June 11, 1973: pot furnaces of more than 550 pound charging capacity, blast (cupola) furnaces, and reverberatory furnaces.

On and after the date on which the performance test required to be conducted by Standard 1.B.1. is completed, no owner or operator of a facility subject to the provisions of this standard shall cause to be discharged into the atmosphere:

1. From a blast (cupola) or reverberatory furnace any gases which
    a. Contain particulate matter in excess of 0.022 gr/dscf.
    b. Exhibit 20 percent opacity or greater.
2. From pot furnaces any gases which exhibit 10 percent opacity or greater.

Where the presence of uncombined water is the only reason for failure to meet the requirements of paragraph 1.b and 2 of this standard, such failure shall not be a violation of this standard. The burden of proof which establishes the application of this standard shall be upon the person seeking to come within its provisions.

TESTING PROCEDURE

(See Standard 1.B for performance test requirements)

Emissions shall be tested according to the method(s) listed in 40 CFP 60.123, dated March 8, 1974, or by District test procedures which are approved as equivalent.

STANDARD 11

(10.0)
(51.17)

STANDARDS OF PERFORMANCE FOR SECONDARY BRASS AND BRONZE INGOT PRODUCTION PLANTS

DEFINITIONS

"Blast furnace" means any furnace used to recover metal from slag.

"Brass or bronze" means any metal alloy containing copper as its predominant constituent, and lesser amounts of zinc, tin, lead, or other metals.

"Electric furnace" means any furnace which uses electricity to produce over 50 percent of the heat required in the production of refined brass or bronze.

"Reverberatory furnace" includes the following types of reverberatory furnaces: stationary, rotating, rocking or tilting.

EMISSION STANDARD

This standard applies to the following facilities in secondary brass and bronze ingot production plants, the construction or modification of which commenced after June 11, 1973: reverberatory and electric furnaces of 2205 lb or greater production capacity and blast (cupola) furnaces of 550 lb/hour or greater production capacity.

On and after the date on which the performance test required to be conducted by Standard 1.B.1. is completed, no owner or operator of a subject to the provisions of this standard shall cause to be discharged into the atmosphere.

1. From a reverberatory furnace any gases which:
    a. Contain particulate matter in excess of 0.022 gr/dscf
    b. Exhibit 20 percent opacity or greater.
2. From any blast (cupola) or electric furnace any gases which exhibit 10 percent opacity or greater.

Where the presence of uncombined water is the only reason for failure to meet the requirements of Standard 11.a(2) and 11.b, such failure shall not be a violation of this standard. The burden of proof which establishes the application of this standard shall be upon the person seeking to come within its provisions.

TESTING PROCEDURE

(See Standard 1.B for performance test requirements)

Emissions shall be tested according to the method(s) listed in 40 CFR 60.134, dated March 8, 1974, or by District test procedures which are approved as equivalent.

STANDARD 12

(10.0)
(51.4)

STANDARDS OF PERFORMANCE FOR IRON AND STEEL PLANTS

DEFINITIONS

"Basic oxygen process furnace" means any furnace producing steel by charging scrap steel, hot metal, and flux materials into a vessel and introducing a high volume of an oxygen-rich gas.

"Steel production cycle" means the operations required to produce each batch of steel and includes the following major functions: scrap charging, preheating (when used), hot metal charging, primary oxygen blowing, additional oxygen blowing (when used) and tapping.

EMISSION STANDARD

This standard applies to basic oxygen process furnaces of iron and steel plants, the construction or modification of which commenced after June 11, 1973.

On and after the date on which the performance test required to be conducted by Standard 1.B.1. is completed, no owner or operator subject to the provisions of this standard shall cause to be discharged into the atmosphere from any affected facility any gases which contain particulate matter in excess of 0.022 gr/dscf.

TESTING PROCEDURE

(See Standard 1.B for performance test requirements)

Emissions shall be tested according to the method(s) listed in 40 CFR 60.144, dated March 8, 1974, or by District test procedures which are approved as equivalent.

STANDARD 13

(10.0)
(51.9)

STANDARDS OF PERFORMANCE FOR SEWAGE TREATMENT PLANTS

DEFINITIONS

"Sewage" means the spent water of a community consisting of a combination of liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any ground water, surface water, and storm water that may be present.

"Sewage sludge" means the solid waste by-product of municipal sewage treatment processes, including any solids removed in any unit operation of such treatment process.

"Sewage sludge incinerator" means any combustion device used in the process of burning sewage sludge for the primary purpose of solids sterilization and to reduce the volume of waste by removing combustible matter, but does not include portable facilities or facilities used solely for burning scum or other floatable materials, recalcining lime, or regenerating activated carbon.

"Sewage treatment plant" means any arrangement of devices and structures for the treatment of sewage and all appurtenances used for treatment and disposal of sewage and other waste by-products.

EMISSION STANDARD

This standard applies to municipal sewage treatment sludge incinerators the construction or modification of which commenced after June 11, 1973.

On and after the date on which the performance test required to be conducted by Standard 1.B.1. is completed, no owner or operator subject to the provisions of this standard shall cause to be discharged into the atmosphere from an affected facility any gases which:

1. Contain particulate matter at a rate in excess of 1.30 lb/ton of dry sludge input.

2. Exhibit 20 percent opacity or greater. Where the presence of uncombined water is the only reason for failure to meet the requirement of this subparagraph, such failure shall not be a violation of this standard. The burden of proof which establishes the application of this standard shall be upon the person seeking to come within its provisions.

MONITORING

The owner or operator of any sludge incinerator subject to the provisions of this standard shall:

1. Install, calibrate, maintain, and operate a flow measuring device which can be used to determine either the mass or volume of sludge charged to the incinerator. The flow measuring device shall have an accuracy of ± 5 percent over its operating range.

2. Provide access to the sludge charged so that a well-mixed representative grab sample of the sludge can be obtained.

TESTING PROCEDURE

(See Standard 1.B for performance test requirements)

Emissions shall be tested according to the method(s) listed in 40 CFR 60.154, dated March 8, 1974, or by District test procedures which are approved as equivalent.

STANDARD 14

(11.0)

ESHAPS GENERAL PROVISIONS

A. Any owner or operator subject to the provisions of these standards shall furnish the control officer written notification as follows:

   1. A notification of the anticipated date of initial startup of the source not more than 60 days nor less than 30 days prior to such date.

   2. A notification of the actual date of initial startup of the source within 15 days after such date.

B. 1. Emission tests may be waived upon written application to the control officer if, in his judgement, the source is meeting the standard.

   2. Approval of any waiver granted pursuant to this Standard 14, or pursuant to 40 CFR 61.13, April 6, 1973, shall not abrogate the control officer's authority under the Control District's rules and regulations or in any way prohibit the control officer from later canceling such waiver. Such cancellation will be made only after notice is given to owner or operator of the source.

C. Method 101, 102, 103, and 104 in Appendix B of 40 CFR 61, April 6, 1973, shall be used for all source tests required pursuant to these standards relating to emission standards for hazardous air pollutants.

STANDARD 15

(11.0)
(50.7)

EMISSION STANDARD FOR ASBESTOS

DEFINITIONS

"Asbestos" means actinolite, amosite, anthophyllite, chrysotile, crocidolite, tremolite.

"Asbestos material" means asbestos or any mterial containing asbestos.

"Asbestos mill" means any facility engaged in the conversion or any intermediate step in the conversion of asbestos ore into commercial asbestos. Outside storage of asbestos materials is not considered a part of such facility.

"Asbestos tailings" means any solid waste product of asbestos mining or milling operations which contains asbestos ore.

"Commercial asbestos" means any variety of asbestos which is produced by extracting asbestos from asbestos ore.

"Demolition" means the wrecking or removal of any load-supporting structural member.

"Manufacturing" means the combining of commercial asbestos, or in the case of woven friction products the combining of textiles containing commercial asbestos, with any other material(s), including commercial asbestos, and the processing of this combination into a product as specified in paragraph C.

"Outside air" means the air outside buildings and structures.

"Particulate asbestos material" means finely divided particles of asbestos material.

"Visible emissions" means any emissions which are visually dtectable without the aid of instruments and which contain particulate asbestos material.

EMISSION STANDARD

A person shall not cause to be discharged into the atmosphere asbestos in the following amounts from the sources listed:

1. Asbestos mills: There shall be no visible emissions to the outside air from any asbestos mill except as provided in Paragraph F of this rule.

2. Roadways: The surfacing of roadways with asbestos tailing is prohibited, except for temporary roadways on an area of asbestos ore deposits. The deposition of asbestos tailings on roadways covered with snow or ice is considered "surfacing."

3. Manufacturing: There shall be no visible emissions to the outside air, except as provided in paragraph F of this standard, from any building or structure in which the following operations are conducted or directly from any of the following operations if they are conducted outside of buildings or structures:

   a. The manufacture of cloth, cord, wicks, tubing, tape, twine, rope, thread, yarn, roving, lap, or other textile materials.

   b. The manufacture of cement products.

   c. The manufacture of fireproofing and insulating materials.

   d. The manufacture of friction products.

   e. The manufacture of paper, millboard, and felt.

   f. The manufacture of floor tile.

   g. The manufacture of paints, coatings, caulks, adhesives, sealants.

   h. The manufacture of plastics and rubber materials.

   i. The manufacture of chlorine.

D. Demolition: Any owner or operator of a demolition operation who intends to demolish any institutional, commercial, or industrial building (including apartment buildings having more than four dwelling units), structure, facility, installation, or portion thereof which contains boiler, pipe or load-supporting structural member that is insulated or fireproofed with friable asbestos material shall comply with the requirements set forth in this paragraph.

1. Written notice of intention to demolish shall be provided to the control officer at least 10 days prior to commencement of such demolition or anytime prior to commencement of demolition subject to paragraph D.3 of this standard. Such notice shall include the following information:

   a. Name of owner or operator.

   b. Address of owner or operator.

c. Description of the building, structure, facility, or installation to be demolished.

d. Address or location of the building, structure, facility or installation.

e. Scheduled starting and completion dates of demolition.

f. Method of demolition to be employed.

g. Procedures to be employed to meet the requirements of this paragraph.

2. The following procedure shall be used to prevent emissions of particulate asbestos material to outside air:

   a. Friable asbestos materials; used to insulate or fireproof any boiler, pipe, or load-supporting structural member, shall be wetted and removed from any building, structure, facility, or installation subject to this paragraph before wrecking of load-supporting structural members is commenced. Boilers, pipe, or load-supporting structural members that are insulated or fireproofed with friable asbestos materials may be removed as units or in sections without stripping or wetting except that where the boiler, pipe, or load-supporting structural member is cut or disjointed, the exposed friable asbestos materials shall be wetted. Friable asbestos debris shall be wetted adequately to insure that such debris remains wet during all stages of demolition and related handling operations.

   b. No pipe or load-supporting structural member that is covered with friable asbestos insultating or fireproofing material shall be dropped or thrown to the ground from any building, structure, facility, or installation subject to this paragraph, but shall be carefully lowered or taken to ground level.

   c. No friable asbestos debris shall be dropped or thrown to the ground from any building, sructure, or installation subject to this paragraph, or from any floor to any floor below. For buildings, structures, facilities or installation, 50 feet or greater in height, friable asbestos debris shall be transported to the ground via dust-tight chutes or containers.

3. Any owner or operator of a demolition operation who intends to demolish a building, structure, facility, or installation to which the provisions of this paragraph would be applicable but which has been declared by proper state or local authority to be structurally

unsound and which is in danger of imminent collapse is exempt from the requirements of this paragraph other than the reporting requirements specified by paragraph D.1 of this standard and the wetting of friable asbestos debris as specified by paragraph D.2 of this standard.

E. Spraying: There shall be no visible emissions to the outside air from the spray-on application of materials containing more than 1 percent asbestos, on a dry weight basis, used to insulate or fireproof equipment and machinery, except as provided in paragraph F of this standard. Spray-on materials used to insulate or fireproof buildings, structures, pipes, and conduits shall contain less than 1 percent asbestos on a dry weight basis.

1. Any owner or operator who intends to spray asbestos materials to insulate or fireproof buildings, structures, pipes, conduits, equipment, and machinery shall report such intention to the control officer at least 20 days prior to the commencement of the spraying operation. Such report shall include the following information:

a. Name of owner or operator.

b. Address of owner or operator.

c. Location of spraying operation.

d. Procedures to be followed to meet the requirements of this paragraph.

F. Rather than meet the no-visible emission requirements of paragraph A, C and E of this standard, an owner or operator may elect to use the methods specified in paragraph H to clean emissions containing particulate asbestos material before such emissions escape to, or are vented to, the outside air.

G. Where the presence of uncombined water is the sole reason for failure to meet the no-visible-emission requirement of paragraphs A, C, or E of this section, such failure shall not be a violation of such emission requirements.

H. If air-cleaning is elected, as permitted by paragraph F, the requirements of this paragraph H must be met.

1. Fabric filter collection devices must be used, except as noted in subparagraphs 2 and 3 of this paragraph. Such devices must be operated at a pressure drop of no more than 4 inches water gauge, as measured across the filter fabric. The airflow permeability, as determined by ASTM method D737-69, must not exceed 30 ft3/min/ft^2 for woven fabrics or 35 ft^3/min/ft^2 for felted fabrics, except that 40 ft^3/min/ft^2 for woven and 45 ft^3/min/ft^2 for felted fabrics is

allowed for filtering air from asbestos ore dryers. Each square yard of felted fabric must weigh at least 14 ounces and be at least one-sixteenth inch thick throughout. Synthetic fabrics must not contain fill yarn other than that which is spun.

2. If the use of fabric filters creates a fire or explosion hazard, the control officer may authorize the use of wet collectors designed to operate with a unit containg energy of at least 40 inches water guage pressure.

3. The control officer may authorize the use of filtering equipment other than that described in subparagraphs 1 and 2 of paragraph if the owner or operator demonstrates to the satisfaction of the control officer that the filtering of particulate asbestos material is equivalent to that of the described equipment.

4. All air-cleaning equipment authorized by this standard must be properly installed, used, operated, and maintained. Bypass devices may be used only during upset or emergency conditions and then only for so long as it takes to shut down the operation generating the particulate asbestos material.

REPORTING

The owner or operator of any existing source to which this standard if applicable shall, within 90 days after the effective date, provide the following information to the control officer:

1. A description of the emission control equipment used for each process.

2. If a fabric filter device is used to control emissions, the pressure drop across the fabric filter in inches water gauge.

    a. If the fabric filter device utilizes a woven fabric, the airflow permeability in $ft^3/min/ft^2$; and, if the fabric is synthetic, indicate whether the fill yarn is spun or not spun.

    b. If the fabric filter device utilizes a felted fabric, the density in oz/yd^2, the minimum thickness in inches, and the airflow permeability in $ft^3/min/ft^2$.

STANDARD 16

(11.0)
(50.7)

EMISSION STANDARDS FOR BERYLLIUM

DEFINITIONS

"Beryllium" means the element beryllium. Where weights or concentrations are specified, such weights or concentrations apply to beryllium only, excluding the weight or concentration of any associated elements.

"Beryllium allow" means any metal to which beryllium has been added in order to increase its beryllium content and which contains more than 0.1 percent beryllium by weight.

"Beryllium-containing waste" means material contaminated with beryllium and/or beryllium compounds used or generated during any process or operation performed by a source subject to this standard.

"Beryllium ore" means any naturally occurring material mined or gathered for its beryllium content.

"Ceramic plant" means a manufacturing plant producing ceramic items.

"Extraction plant" means a facility chemically processing beryllium ore to beryllium metal, allow, or oxide, or performing any of the intermediate steps in these processes.

"Foundry" means a facility engaged in the melting or casting of beryllium metal or allow.

"Incinerator," for the purpose of this standard only, means any furnace used in the process of burning waste for the primary purpose of reducing the volume of the waste by removing combustible matter.

"Machine shop" means a facility performing cutting, grinding, turning, honing, milling, deburring, lapping, electrochemical machining, etching, or other similar operations.

"Propellant" means a fuel and oxidizer physically or chemically combined which undergoes combustion to provide rocket propulsion.

"Propellant Plant" means any facility engaged in the mixing, casting, or machining of propellant.

EMISSION STANDARD

A. No person shall discharge or cause the discharge to the atmosphere of more than 10 grams of beryllium over a 24-hour period from the following stationary sources.

1. Extraction plants, ceramic plants, foundries, incinerators, and propellant plants which process beryllium ore, beryllium beryllium oxide, beryllium alloys, or beryllium-containing waste.

2. Machine shops which process beryllium, beryllium oxides, or any alloy when such alloy contains more than 5 percent beryllium by weight.

B. The burning of beryllium and/or beryllium-containing waste, except propellants, is prohibited except in incinerators, emission from which must comply with this standard.

TESTING PROCEDURE

1. Unless a waiver of emission testing is obtained under Standard 14.B, or has been previously granted under 40 CFR 61.13, April 6, 1973, each owner or operator required to comply with paragraph A shall test emissions from his source:

   a. Within 90 days of the effective date of this standard.

   b. Within 90 days of startup in the case of a new source.

2. The control officer shall be notified at least 30 days prior to an emission test so that he may at his option observe the test. At his option, the control officer may conduct the reuqired test.

3. Samples shall be taken over such a priod or periods as are necessary to accurately determine the maximum emissions which will occur in any 24-hour period. Where emissions depend upon the relative frequency of operation of different types of processes, operating hours, operating capacities, or other factors, the calculation of maximum 24-hour period emissions will be based on that combination of factors which is likely to occur during the subject period and which result in the maximum emissions. No changes in the operation shall be made which would potentially increase emissions above that determined by the most recent source test, until a new emission level has been estimated by calculation and the results reported to the control officer.

4. All samples shall be analyzed and beryllium emissions shall be determined within 30 days after the source test. All determinations shall be reported to the control officer by a registered letter dispatched before the close of the next business day following such determination.

5. Records of emission test results and other data needed to determine total emissions shall be retained at the source and made available, for inspection by the control officer, for a minimum of 2 years.

STANDARD 17

(11.0)
(51.21)

EMISSION STANDARDS FOR BERYLLIUM ROCKET MOTOR FIRING

DEFINITIONS

"Beryllium propellant" means any propellant incorporating beryllium.

"Rocket motor test site" means any building, structure, facility, or installation where the static test firing of a beryllium rocket motor and/or the disposal of beryllium propellant is conducted.

EMISSION STANDARD

A. No person may discharge or cause the discharge of emissions to the atmosphere:

   1. From rocket-motor tests sites which cause time weighted atmospheric concentrations of beryllium to exceed 75 microgram minutes per cubic meter of air within the limits of 10 to 60 minutes, accumulated during any 2 consecutive weeks, in any area in which an effect adverse to public health could occur.

   2. If combustion products from the firing of beryllium propellant are collected in a closed tank, emissions from such tank shall not exceed 2 grams per hour and a maximum of 10 grams per day.

MONITORING

1. Ambient air concentrations shall be measured during and after firing of a rocket motor or propellant disposal and in such a manner that the effect of these emissions can be compared with the standard. Such sampling techniques shall be approved by the control officer.

2. All samples shall be analyzed and results shall be calculated within 30 days after samples are taken and before any subsequent rocket motor firing or propellant disposal at the given site, All results shall be reported to the control officer by a registered letter dispatched before the close of the next business day following determination of such results.

3. Records of air sampling test results and other data needed to determine integrated intermittent concentrations shall be retained at the source and made available, for inspection by the control officer, for a minimum of 2 years.

4. The control officer shall be notified at least 30 days prior to an air sampling test, so that he may at his option observe

the test. At his option, the control officer may conduct the required test.

TESTING PROCEDURE

1. Source subject to paragraph A.2 of this standard shall be continuously sampled, during release of combustion products from the tank, in such a manner that compliance with the standards can be determined. The provisions of Standard 14.C shall apply.

2. All samples shall be analyzed, and beryllium emissions shall be determined within 30 days after samples are taken and before any subsequent rocket motor firing or propellant disposal at the given site. All determinations shall be reported to the control officer by a registered letter dispatched before the close of the next business day following such determinations.

3. Records of emission test results and other data needed to determine total emissions shall be retained at the source and made available, for inspection by the control officer, for a minimum of 2 years.

4. The control officer shall be notified at least 30 days prior to an emission test, so that he may at his option observe the test. At his option, the control officer may conduct the required test.

STANDARD 18

(11.0)
(50.7)

EMISSION STANDARDS FOR MERCURY

DEFINITIONS

"Cell room" means a structure(s) housing one or more mercury electrolytic chlor-alkali cells.

"Condenser stack gases" mean the gaseous effluent evolved from the stack of processes utilizing heat to extract mercury metal from mercury ore.

"Denuder" means a horizontal or vertical container which is part of a mercury chlor-alkali cell and in which water and alkali metal amalgam are converted to alkali metal hydroxide, mercury, and hydrogen gas in a short-circuited, electrolytic reaction.

"End box" means a container(s) located on one or both ends of a mercury chlor-alkali electrolyzer which serves as a connection between the electrolyzer and denuder for rich and stripped amalgam.

"End box ventilation system" means a ventilation system which collects mercury emissions from the end boxes, the mercury sump pumps and their water collection systems.

"Hydrogen gas stream" means a hydrogen stream formed in the chlor-alkali cell denuder.

"Mercury" means the element mercury, excluding any associated elements, and includes mercury in particulate, vapors, aerosols, and compounds.

"Mercury chlor-alkali cell" means a device which is basically composed of an electrolyzer section and a denuder (decomposer) section and utilizes mercury to produce chlorine gas, hydrogen gas, and alkali metal hydroxide.

"Mercury chlor-alkali electrolyzer" means an electrolytic device which is part of a mercury chlor-alkali cell and utilizes a flowing mercury cathode to produce chlorine gas and alkali metal amalgam.

"Mercury ore" means a mineral mined specifically for its mercury content.

"Mercury ore processing facility" means a facility processing mercury ore to obtain mercury.

EMISSION STANDARD

A. Emissions to the atmosphere from those stationary sources which process mercury ore to recover mercury and those which use mercury chlor-alkali cells to produce chlorine gas and alkali metal hydroxide shall not exceed

2,300 grams of mercury per 24-hour period.

TESTING PROCEDURE

1. Mercury ore processing facility.

   a. Unless a waiver of emission testing is obtained under Standard 14.B or has been previously granted under 40 CFR 61.13, April 6, 1973, each owner or operator processing mercury ore shall test emissions from his source:

      (1) Within 90 days of the effective date of this standard.

      (2) Within 90 days of startup in the case of a new source.

   b. The control officer shall be notified at least 30 days prior to an emission test, so that he may at his option observe the test. At his option, the control officer may conduct the required test.

   c. Samples shall be taken over such a period or periods as are necessary to accurately determine the maximum emissions which will occur in a 24-hour period. No changes in the operation shall be made which would potentially increase emissions above that determined by the most recent source test, until the new emission level has been estimated by calculation and the results reported to the control officer.

   d. All samples shall be analyzed, and mercury emissions shall be determined within 30 days after the source test. Each determination will be reported to the control officer by a registered letter dispatched before the close of the next business day following such determination.

   e. Records of emission test results and other data needed to determine total emissions shall be retained at the source and made available, for inspection by the control officer, for a minimum of 2 years.

2. Mercury chlor-alkali plant - hydrogen and end-box ventilation gas streams.

   a. Unless a waiver of emission testing is obtained under Standard 14.B, each owner or operator employing mercury chlor-alkali cell(s) shall test emissions from his source.

      (1) Within 90 days of the effective date of this standard.

      (2) Within 90 days of startup in the case of a new source.

b. The control officer shall be notified at least 30 days prior to an emission test, so that he may at his option observe the test. At his option, the control officer may conduct the required test.

c. Samples shall be taken over such a period or periods as are necessary to accurately determine the maximum emissions which will occur in a 24-hour period. No changes in the operation shall be made, which would potentially increase emissions above that determined by the most recent source test, until the new emission has been estimated by calculation and the results reported to the control officer.

d. All samples shall be analyzed and mercury emissions shall be determined within 30 days after the source test. All the determinations will be reported to the control officer by a registered letter dispatched before the close of the next business day following such determination.

e. Records of emission test results and other data needed to determine total emissions shall be retained at the source and made available, for inspection by the control officer, for a minimum of 2 years.

3. Mercury chlor-alkali plants - cell room ventilation system.

a. Stationary sources using mercury chlor-alkali cells may test cell room emissions in accordance with subparagraph 3.b of this paragraph or demonstrate compliance with subparagraph 3.d of this paragraph and assume ventilation emissions of 1,300 grams/day of mercury.

b. Unless a waiver of emission testing is obtained under Standard 14.B, each owner or operator shall pass all cell room air in forced gas streams through stacks suitable for testing.

(1) Within 90 days of the effective date of this standard.

(2) Within 90 days of startup in the case of a new source.

c. The control officer shall be notified at least 30 days prior to an emission test, so that he may at his option observe the test. At his option, the control officer may conduct the required test.

d. An owner or operator may carry out approved design, maintenance, and housekeeping practices. A list of approved design, maintenance, and housekeeping practices may be obtained from the control officer.

REGULATION V - PROCEDURE BEFORE THE HEARING BOARD

(2.0) RULE 501 Applicable Articles of the Health and Safety Code

The provisions of Article 5 and Article 6, Chapter 2, Division 20, of the State of California Health and Safety Code, respectively entitled Variances and Procedure.

(2.0) RULE 502 General

The regulations shall apply to all hearings before the Hearing Board of the Air Pollution Control District.

(2.0) RULE 503 Filing Petitions

Request for hearing shall be initiated by filing five copies (previously was three copies) of a petition with the clerk of the Hearing Board, and the payment of $35 (previously was $25) provided for in Rule 305 of these rules and regulations, after service of a copy of the petition has been made on the Air Pollution Control Officer and one copy on the holder of the permit or variance, if any, involved. Service may be made in person or by mail and service may be proved by written acknowledgement of the person served or by the affidavit of the person making the service.

(2.0) RULE 504 Contents of Petitions

Every petition shall state:

a. The name, address, and telephone number of the petitioner or other person authorized to receive service of notices.

b. Whether the petitioner is an individual, co-partner, corporation, or other entity; and names and addresses of the partners if a co-partnership, names and addresses of the officers if a corporation, and the names and addresses of the persons in control if other entity.

c. The type of business of activity involved in the application and the street address at which it is conducted.

d. A brief description of the article, machine, equipment, or other contrivance, if any, involved in the application.

e. The section or rule under which the petition is filed; that is, whether petitioner desires a hearing:

1. To determine whether a permit shall be revoked or a suspended permit reinstated under Section 24274 of the Health and Safety Code of the State of California.

2. For a variance under Section 24292 of the Health and Safety Code of the State of California.

3. To revoke or modify a variance under Section 24298 of the Health and Safety Code of the State of California.

4. To review the denial or conditional granting of an authority to construct or permit to operate under Rule 201 of these rules and regulations.

f. Each petition shall be signed by the petitioner, or by some person on his behalf, and where the person signing is not the petitioner, it shall set forth his authority to sign.

g. Petitions for revocation of permits shall allege in addition the rule under which permit was granted, the rule or section which is alleged to have been violated, together with a brief statement of the facts constituting such alleged violation.

h. Petitions for reinstatement of suspended permits shall allege in addition the rule under which the permit was granted, the request and alleged refusal which formed the basis for such suspension, together with a brief statement as to why information requested, if any, was not furnished; whether such information is believed by petitioner to be pertinent, and is so, when it will be furnished.

i. All petitions shall be typewritten, double spaced, on legal or letter size paper on one side of the paper only, leaving a margin of at least one inch at the top and left side of each sheet.

(5.0) RULE 505 Petitions for Variances

In addition to the matters required by Rule 504, petitions for variance shall state briefly:

a. The section, rule, or order complained of.

b. The facts showing why compliance with the section, rule, or order is unreasonable.

c. For what period of time the variance is sought and why. Include a compliance schedule which shows the dates when the following milestones will be or were completed.

    1. Submission of final control plans.

    2. Issuance of contracts or purchase orders for process and control equipment.

    3. Initiation of onsite construction of process or control equipment.

    4. Completion of process and control equipment.

    5. Final compliance.

d. The damage or harm resulting, or which would result, to petitioner from a compliance with such section, rule, or order.

e. The requirements which petitioner can meet and the date when petitioner can comply with such requirements.

f. The advantages and disadvantages to the residents of the district resulting from requiring compliance or resulting from granting a variance.

g. Whether or not operations under such variance, if granted, would constitute a nuisance.

h. Whether or not any case involving the same identical equipment or process is pending in any court, civil or criminal.

i. Whether or not the subject equipment or process is covered by a permit to operate issued by the Control Officer.

(2.0) RULE 506 Appeal from Denial

A petition to review a denial or conditional approval of a permit shall, in addition to the matters required by Rule 504, set forth a summary of the application or a copy thereof and the alleged reasons for the denial or conditional approval and reasons for appeal.

(2.0) RULE 507 Failure to Comply with Rules

The clerk of the Hearing Board shall not accept for filing any petition which does not comply with these rules relating to the form, filing and service of petitions unless the chairman or any three (previously two) members of the Hearing Board direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Hearing Board. The chairman or any three (previously two) members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

(2.0) RULE 508 Answers

Any person may file an answer within 10 days after service. All answers shall be served the same as petitions under Rule 503.

(2.0) RULE 509 Dismissal of Petition

The petitioner may dismiss his petition at any time before submission of the case to the Hearing Board, without a hearing or meeting of the Hearing Board. The clerk of the Hearing Board shall notify all interested persons of such dismissal.

(16.0) RULE 510 Place of Hearing

All hearings shall be held at a place designated by the Hearing Board.

(16.0) RULE 511 Notice of Hearing

The clerk of the Hearing Board shall mail or deliver a notice of hearing to the petitioner, the Air Pollution Control Officer, the holder of the permit or variance involved, if any, and to any person entitled to notice under Sections 24275, 24295, or 24298 of the Health and Safety Code.

(2.0) RULE 512 Evidence

a. Oral evidence shall be taken only on oath or affirmation.

b. Each party shall have these rights: 1) to call and examine witnesses; 2) to introduce exhibits; 3) to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; 4) to impeach any witness regardless of which party first called him to testify; 5) and to rebut the evidence against him. If respondent does not testify in his own behalf, he may be called and examined as if under cross-examination.

c. The Hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely on in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding, unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are new or hereafter may be recognized in civil actions, and irrelevent and unduly repetitious evidence shall be excluded.

(2.0) RULE 513 Preliminary Matters

Preliminary matters such as setting a date for hearing, granting continuances, approving petitions for filing, allowing amendments and other preliminary rulings not determinative of the merits of the case may be made by the chairman or any three (previously two) members of the Hearing Board without a hearing or meeting of the Hearing Board without notice.

(2.0) RULE 514 Official Notice

The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this State.

(2.0) RULE 515 Continuances

The chairman or any three (previously two) members of the Hearing Board shall grant any continuance of 15 days or less, concurred in by petitioner, the Air Pollution Control Officer and by every person who has filed an answer in the action and may grant any reasonable continuance; in either case, such action may be ex parte without a meeting of the Hearing Board and without prior notice.

(2.0) RULE 516 Decision

The decision shall be in writing, served and filed within 15 days after submission of the cause by the parties thereto and shall contain a brief statement of facts issued to be true, the determination of the issues presented and the order of the Hearing Board. A copy shall be mailed or delivered to their Pollution Control Officer, the petitioner, and to every person who has filed an answer or who has appeared as a party in person or by counsel at the hearing.

(2.0) RULE 517 Effective Date of Decision

The decision shall become effective 15 days after delivering or mailing a copy of the decision, as provided in Rule 516 or the Hearing Board may order that the decision shall become effective sooner.

(3.0) RULE 518 Lack of Permit

An appeal from a denial of a permit and a petition for a variance may be filed with the Hearing Board in a single petition. A variance granted by the Hearing Board may include a permit for the duration of the variance.